

HIGH COURT OF CHHATTISGARH, BILASPUR

MCC No. 402 of 2019

- Ashwani Kumar Sharma S/o Shri Lakhan Lal Sharma Aged About 56 Years Occupation Government Teacher, R/o Devrikala, Tahsil Takhatpur, District Bilaspur Chhattisgarh. --- (Res. In Appeal And Defendant In Suit), District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- Smt. Triveni Devi W/o Late Pt. Ram Dayal Tiwari Aged About 76 Years R/o Devrikala, Tahsil Takhatpur, District Bilaspur Chhattisgarh. --- (Appellant In First Appeal And Plaintiff In Civil Suit), District : Bilaspur, Chhattisgarh
- State Of Chhattisgarh Through The Collector, Office Of The Collector, Bilaspur, Tahsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondents

For applicant : Mr. Dheerendra Pandey, Advocate.

For respondent No.1 : None.

For respondent No.2/ : Mr. Ravish Verma, Govt. Advocate.
State

SB: Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

24-07-2019

1) This is an application for recalling of the order dated 8-9-2018 passed in National Lok Adalat of this Court in F.A.No. 321 of 2018 wherein compromise between the applicant and respondent No.1 was recorded and decree was passed in favour of respondent No.1

for execution of sale deed bearing Survey No. 109/2 area 0.95 acres, Survey No.161/6 area 0.87 acres situated at village Devrikala, Tahsil Takhatpur, District Bilaspur (CG) within two months.

2) As per version of applicant, he is mentally ill since long and as he is a man of unsound mind, compromise which is alleged to be arrived at between the parties is not liable to be sustained and deserves to be recalled.

3) The point for consideration of this court is whether the order dated 8-9-2018 passed by this court in National Lok Adalat, can be recalled. As per Section 21 of Legal Aid Services Authority Act, 1987, every award of the Lok Adalat shall be final and binding on all the parties to the dispute. In the present case, Shri Anup Majumdar and Shri Basant Dewangan, Advocates were present on behalf of the applicant and after satisfaction of terms of compromise between the applicant and respondent No.1, compromise was recorded and award was passed. On that date, no such fact was brought to the notice of this court that the applicant is a man of unsound mind. He has signed in the compromise petition and was assisted by two counsels as mentioned above. No one was there to say that the applicant is mentally ill, therefore, compromise was recorded as both parties were competent to enter into compromise, therefore, applicant

cannot be permitted after six months by way of this application that award/order be recalled. No case is made out to recall the said order.

4. Accordingly, the instant MCC is dismissed without notice to other side.

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju