

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.231 of 2018

Ajay Pratap Singh S/o Late Hawaldar Singh, At present R/o Village Post Police Station- Mohania, District- Kaimur (Bihar) R/o 478 Dhanapur Ward No. 5, Dhanapur, Dhanpur, Chandauli U.P..

... .. Petitioner/s

Versus

1. Raghwendra Pratap Singh, S/o Late Hawaldar Singh, Resident of Village Post Police Station- Mohania, District- Kaimur.
2. Dharmendra Pratap Singh, S/o Late Hawaldar Singh, Resident of Village, Post & Police Station- Mohania, District- Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.J.S.Arora, Sr. Advocate
For the Resp. No. 2	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the Resp. No. 3	:	Mr. Bhagha Narayan Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 27-02-2020 Heard the parties.

2. The present petition has been filed for “quashing/setting aside the order dated 28.10.2015 passed in Misc. Case No. 11 of 2014 by the learned Sub Judge-I, Kaimur whereby and whereunder the court below without any jurisdiction has set aside the award granted by permanent Lok Adalat, Kaimur in Case No. 142 of 2012, order dated 24.04.2012 without there being any evidence/proof as to that this petitioner has committed any fraud and that too behind back of this petitioner as the order (impugned) is ex parte order.”

3. Mr. J. S. Arora, learned Senior Counsel appearing on behalf of the petitioner submits that the impugned order has been passed out and out without jurisdiction inasmuch as the



award of the permanent Lok Adalat passed on compromise could not have been interfered with by the learned Sub Judge purportedly acting under Order IX Rule 13 CPC which had no application.

4. Mr. Yogesh Chandra Verma, learned Senior Counsel for the respondent no. 2 as well as learned counsel for the respondent no. 3 have not offered any serious resistance to the submissions of the petitioner.

5. In the above view of the matter and having regard to the nature of the order of the permanent Lok Adalat, the impugned order dated 28.10.2015 in Misc. Case No. 11 of 2014 passed by the learned Sub Judge-I, Kaimur is set aside. The petition stands allowed.

(Vikash Jain, J)

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