

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24363 of 2019

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Satya Narain Singh, Male aged about 68 years, Son of Late Ram Kishore Singh, Resident of Village-Dariaura, Police Station-Gurua, District-Gaya.

... .. Petitioner

Versus

1. Dhirendra Kumar Singh, Male, Son of Late Bidesh Singh, husband of Late Punam Devi, resident of Village Sarthua, Police Station-Rafiganj, District-Aurangabad.
2. Smt. Anarmani Devi, Female, Wife of Satya Narain Singh, Resident of Village-Dariaura, Police Station-Gurua, District-Gaya.
3. Ravi Ranjan Singh, Male, Son of Satya Narain Singh, Resident of Village-Dariaura, Police Station-Gurua, District-Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar Sinha 2
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-01-2020 Heard learned counsel for the petitioner.

The petitioner has challenged an order dated 20.05.2019 passed by the Judicial Member, Permanent Lok Adalat, Aurangabad, whereby Permanent Lok Adalat has refused to entertain an application filed by the petitioner seeking correction in the record of Pre-Litigation Case No.143 of 2013/Misc. Case No.4 of 2019, as according to the petitioner, there are interpolations in the compromise petition, which was filed, based on which award and decree have been prepared in the said Pre-Litigation Case.

It is the petitioner's case that the said Pre-Litigation



Case no.143 of 2013 was filed on the basis of a compromise petition for partition. The contents of the said compromise petition, as mentioned in Annexure-2, according to the petitioner, is the accurate re-production of what was there in the compromise petition filed, giving rise to Partition Case no.143 of 2013. It is his case that the award was prepared in terms of said compromise petition. However, after preparation of an award and decree, the petitioner has learnt that there has been interpolation in the compromise petition itself, which is the basis for preparation of award and decree.

Learned counsel for the petitioner has submitted that the interpolation in the compromise petition, as available on record of the continuous Lok Adalat, are writ large and since the award and the decree are to be read in terms of the compromise petition, it will cause serious prejudice to the petitioner, if corrections are not made in the compromise petition.

If what is stated by the petitioner is treated to be correct, the award and decree has been obtained by committing fraud.

The grievance of the nature cannot be redressed in present writ petition under Article 226 of the Constitution of India. If, according to the petitioner, the award has been



obtained fraudulently, he would be at liberty to approach appropriate court of competent jurisdiction in accordance with law.

This writ application stands disposed of with the observation as above.

(Chakradhari Sharan Singh, J.)

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