

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P.(227) No.204 of 2021

- Neetu Singh W/o Sudhir Singh Aged About 33 Years R/o Namnakala, Gandhinagar, Ambikapur, District Surguja (C.G.)

---- Petitioner

Versus

1. Manish Singh S/o Sudhakar Singh Aged About 36 Years R/o Sattipara, Ambikapur, District Surguja (C.G.)
2. Sudhir Singh S/o Shri Madan Singh Aged About 37 Years R/o Namnakala, Gandhinagar, Ambikapur, District Surguja (C.G.)
3. State Of Chhattisgarh Through Collector Surguja, District Surguja (C.G.)

---- Respondents

For Petitioner

– Mr. Anurag Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-03-2021

Heard.

1. This petition under Article 227 of Constitution of India has been brought being aggrieved by the order dated 11.12.2020, passed by the First Civil Judge, Class-II, Ambikapur, C.G. rejecting the prayer of the petitioner to place the matter before Lok Adalat for compromise. Similarly, by this petition, the order dated 12.12.2020 is also challenged, which has been passed by the Lok Adalat dismissing the prayer for compromise between to resolve the disputes.
2. It is submitted by the learned counsel for the petitioner that parties have bona-fidely made prayer before the learned trial Court and also before the Lok Adalat about their intention to compromise which has been turned down by the impugned orders. Hence, the petitioners may be

granted relief.

3. Learned State counsel appearing for respondent No.3 submits that the order dated 11.12.2020 mentions about the defect in payment of court fees in the Civil Suit, which had been the reason for rejection of the prayer of the parties and the same reasoning has been followed by the Lok Adalat in order dated 12.12.2020.
4. Considered on the submissions, the petition is disposed off at the motion stage. As there is a mention of defect in payment of court fees in the Civil Suit, this question is required to be firstly dealt with by the learned trial Court on which a preliminary issue be framed on the point of valuation and payment of court fee and the same be decided at a preliminary stage. After the determination of this question, both the parties shall have entitlement and also shall have liberty to file application for compromise, if they still desire to do so and then, the learned trial Court shall decide the same in accordance with law. The earlier orders passed by the learned trial Court and by the Lok Adalat shall not come in the way on the consideration of the compromise application, which may be filed by the parties in future.
5. Accordingly, this petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika