

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C.No.339 of 2021**

- Rajinder Singh Ajmani S/o Late Shri Sant Singh, Aged About 46 Years
R/o Near Itwari Bazar, P.S. City Kotwali, Raigarh, Tahsil And District
Raigarh, ChhattisgarhPlaintiff,

---- Applicant/Appellant**Versus**

1. Fulkunwar Wd/o Fagulal, Aged About 48 Years R/o Kewadabadi,
Puchhapara, Near Shiv Mandir, Kumharpara, P.S. City Kotwali, District
Raigarh, Chhattisgarh, Chhattisgarh
2. Raghunath (Died) Through Lrs. As Per Honble Court Order Dated 03-
12-2020.
2(A). Phool Bai Wd/o Raghunath Aged About 52 Years
2(B). Ku. Harita D/o Raghunath Aged About 31 Years
3. Kumari Aashachakradhari D/o Late Faguram, Aged About 21 Years R/o
Kewadabadi, Puchhapara, Near Shiv Mandir, Kumharpara, P.S. City
Kotwali, District Raigarh, Chhattisgarh,
4. Gopi Chakradhari S/o Late Faguram, Aged About 19 Years R/o
Kewadabadi, Puchhapara, Near Shiv Mandir, Kumharpara, P.S. City
Kotwali, District Raigarh, ChhattisgarhDefendants,

---- Respondents

For Appellant	:	Shri Prakash Tiwari and Shri Palash Tiwari, Advocates,
For Respondents 1, 3 & 4	:	Shri Rajendra Tripathi, Advocate.
For Respondents 2 a & 2 b:	:	None, though served.

Single Bench:Hon'ble Shri Sanjay Agrawal, J
Order On Board

06.07.2021

1. This M.C.C. has been listed for orders on modification / correction in the judgment dated 24.06.2021 passed in F.A.No.162/2017 wherein due to inadvertence, in page 4 of the judgment at para 6, the parties "Ashok Leyland Ltd. vs. State of T.N. and another" ought to have been shown in place of the parties "Ramnik Vallabhdas Madhvani & Ors. Vs. Taraben Pravinlal Madhvani" and at last line in place of citation "(2004) 1 SCC 497" the citation "(2004) 3

SCC 1” ought to have been shown. Similarly, in page 10 of the judgment at para 12, the paragraph 7 quoted is incomplete and has to be followed by a sub-para, i.e., sub-para 8, which is found to be missed. Likewise, in page 11 of the judgment at para 14, in place of the words “(*supra*)”, the words “reported in (2004) 1 SCC 497” ought to have been inserted.

2. The aforesaid errors in the judgment dated 24.06.2021 are apparent on the face of the record, and therefore, need to be corrected. It is made clear that in page 4 of the judgment at para 6, the parties, “Ashok Leyland Ltd. vs. State of T.N. and another” shall be read in place of the parties “Ramnik Vallabhdas Madhvani & Ors. Vs. Taraben Pravinlal Madhvani” and at last line in place of citation “(2004) 1 SCC 497” the citation “(2004) 3 SCC 1” shall be read. Likewise, in page 10 of the judgment at para 12, after the paragraph 7 “sub-para 8” shall be read as under:

"8. It is evident from the said provisions that the Lok Adalats have no adjudicatory or judicial functions. Their functions relate purely to conciliation. A Lok Adalat determines a reference on the basis of a compromise or settlement between the parties at its instance, and put its seal of confirmation by making an award in terms of the compromise or settlement. When the Lok Adalat is not able to arrive at a settlement or compromise, no award is made and the case record is returned to the court from which the reference was received, for disposal in accordance with law. No Lok Adalat has the power to 'hear' parties to adjudicate cases as a court does. It discusses the subject-matter with the parties and persuades them to arrive at a just settlement. In their conciliatory role, the Lok Adalats are guided by principles of justice, equity, fair play. When the Legal Services Authorities Act refers to 'determination' by the Lok Adalat and 'award' by the Lok Adalat, the said Act does not contemplate nor require an adjudicatory judicial determination, but a non-adjudicatory determination based on a compromise or settlement, arrived at by the parties, with guidance and assistance from the Lok Adalat. The 'award' of the Lok Adalat does not mean any independent verdict or opinion arrived at by any decision-making process. The making of the award is merely an administrative act of incorporating the terms of settlement

or compromise agreed by parties in the presence of the Lok Adalat, in the form of an executable order under the signature and seal of the Lok Adalat.”

3. In page 11 of the judgment at para 14, in place of the words “(*supra*)”, the words “reported in (2004) 1 SCC 497” shall be read.
4. Accordingly, the judgment is modified / corrected.
5. This order shall be treated as part of the judgment passed on 24.06.2021 in First Appeal No.162/2017 and the relevant portions, which have been directed to be incorporated and/or deleted may be done in the said judgment.
6. With the aforesaid observation, the present M.C.C. stands disposed of.

Sd/-
(Sanjay S. Agrawal)
JUDGE

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.C.C. No. 339 of 2021

Rajinder Singh Ajmani Versus Fulkunwar & Ors.

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06.07.2021	Shri Prakash Tiwari and Shri Palash Tiwari, counsel for the appellant. Shri Rajendra Tripathi, counsel for respondents No. 1, 3 & 4. None for respondents No. 2 a & 2 b, though served. Heard on admission. Order dictated in open court. Signed and dated separately. In view of the order passed in this petition, corrections / modifications have been carried out in the original judgment dated 24.06.2021 passed in F.A.No. 162/2017. Sd/- (Sanjay S. Agrawal) Judge