

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 328 of 2021

- Nirmalnath Yogi, S/o Late Shri Sheshnarayan Yogi, Aged About 52 Years R/o W. 19, Budhapara, Talabpar In Front Of Anganbadi, Balod District Balod Chhattisgarh., District : Balod, Chhattisgarh.

---- Petitioner

Versus

- Somanlal Dewangan, S/o Shri Ramlal Dewangan, Aged About 49 Years, R/o Jurripara Ward No. 15, Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Respondent

For Petitioner : Mr. Umesh Verma, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/11/2021

Heard.

1. This petition has been brought against the order dated 22.02.2020 and 14.06.2021 passed by the learned Court of District Judge, Balod in Misc. Civil Suit No.34/2019.
2. It is submitted by the counsel for the petitioner, that the petitioner was respondent in Criminal Case No.718/2018, which was registered on the complaint made by respondent Soman Lal under Section 138 of Negotiable Instruments Act. That case concluded on compromise between the parties and the compromise dated 9.3.2019 was recorded

in Lok Adalat. The petitioner agreed to make payment of Rs.3,30,000/- to the respondent. As the amount was not paid by the petitioner, therefore, the respondent has filed the application for execution, which is a registered M.J.C. No.34/2019. On the very first day of the proceeding in M.J.C., the order was passed for issuance of non-bailable warrant, the petitioner gave appearance before the Court. Subsequent to which, again the proceeding has been initiated and order has been passed on 20.2.2020, directing the respondent to deposit the expenses of jail for the purpose of sending the petitioner to Civil Jail.

3. It is submitted that the impugned order is arbitrary. The petitioner intends to make payment as ordered in the order passed by the Court on the basis of compromise and he may be granted time to dispose off the property, to arrange for the funds.
4. The award of Lok Adalat is deemed to be a decree of Civil Court according to Section 20 of the Legal Services Authorities Act, therefore, it is executable. Therefore, in such a case the provision of Code of Civil Procedure shall apply in the matter of execution. The award for payment of money against the petitioner is final and the amount against the petitioner is outstanding. The prayer that has been made by the petitioner before this Court regarding grant of some time to make arrangement for money was not earlier made before the Executing Court. The petitioner is granted opportunity to make such prayer before the learned Court below within a period of 15 days and in case any such application is filed within 15 days then the Executing Court shall consider on the same after giving opportunity of hearing to both the parties, pass orders accordingly at the earliest. Until such

application is filed and the same is disposed off, the proceeding drawn for sending the applicant to jail shall be kept in abeyance for a period of 30 days. In case no such application is filed by the petitioner, learned Executing Court is at liberty to proceed in the case in accordance with law.

5. With these observations, the petition is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha