

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.3883 of 2022
(Through hybrid mode)

Bharati Samal

....

Petitioner

Mr. A.Mishra, Advocate

-versus-

***The District Legal Services
Authority, Kendrapara and others***

....

Opposite Parties

Mr. A. K.Sharma, Addl. Govt. Advocate

CORAM: JUSTICE ARINDAM SINHA

Order No.

ORDER
25.02.2022

02.

1. Mr. Mishra, learned advocate appears on behalf of petitioner and draws attention to order dated 10th February, 2022, reproduced below:

“1. Mr. Mishra, learned advocate appears on behalf of petitioner and submits, impugned award dated 20th May, 2017 passed on compromise was obtained by fraud practiced on Court by opposite parties nos.3 to 13. On discovery, petitioner has moved Court.

2. Issue notice along with this order on opposite parties nos.3 to 13. Petitioner will put in requisites.

3. List on 24th February, 2022. The interim application will be considered on adjourned date.”

2. He submits, as per information obtained from several track records and postal articles returned, opposite party nos.4, 6, 9, 10 and 11 have been served. Opposite party nos.5, 7 and 8 have refused service and opposite party nos.3, 12 and 13 could not be found/absent.

3. On query from Court he submits, page 30 in the writ petition is photocopy of relevant information available on record i.e. RoR, obtained on 30th March, 1989. His client stood recorded therein but deliberately not made party. Purported case filed before the Lok Adalat and compromise award dated 20th May, 2017 was thus obtained.

4. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of opposite party nos.1 and 2 and submits, opposite party nos. 3 to 7 have caused mutation in their favour pursuant to impugned award. He submits, petitioner has statutory remedy of appeal, if aggrieved by the mutation.

5. Petitioner has challenged award dated 20th May, 2017. Sub-section (5) in section 19, Legal Services Authorities Act, 1987 empower the Lok Adalat to determine and arrive at a compromise on settlement between the parties to a dispute in respect of, inter alia, any matter which is falling within the jurisdiction of and is not brought before any Court, for which the Lok Adalat is organized. Opposite party nos.7 to 13, amongst themselves, did not file suit but approached the Lok Adalat. They also did not make petitioner party, whose name stood recorded in the RoR. They amongst themselves compromised and obtained impugned award. They though have been served (including refusal to accept) and others were not found by the postal authorities, have chosen to not appear.

6. Court is convinced the award was wrongfully obtained by said opposite parties, inasmuch as there could not be a compromise without including a person whose names stood recorded in the RoR.

7. Impugned award is set aside and quashed. Petitioner, as a consequence, will be at liberty to apply for correction of the record.

8. The writ petition is disposed of.

(Arindam Sinha)
Judge

RKS

