

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6821 of 2019

Ushabati Sahoo

....

Petitioner

-versus-

Gouranga Charan Sahoo

....

Opposite Party

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
04.11.2022**

Order No

04.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. B.C. Panda, learned counsel for the Petitioner and Mr. P.C. Acharya, learned counsel appearing for the Opp. Parties.

3. The present writ Petition has been filed challenging the order dtd.02.02.2019 passed by the learned Judge, Permanent and Continuous Lok Adalat, Kendrapara in P & C Case No. 28 of 2019.

4. It is submitted that the proceeding was filed before the concerned Lok Adalat on 29.01.2019 and the matter was fixed to 02.02.2019 for conciliation.

5. It is submitted that the Opp. Party, who is the brother of the Petitioner by taking signature of the Petitioner in blank paper prepared the required compromise deed on 02.02.2019 and placed the same before the learned Forum below for acceptance. Learned Forum below taking into account such compromise deed, while disposing the proceeding in the light of the compromise, passed the impugned order on 02.02.2019. It is vehemently contended that the

compromise deed executed on 02.02.2019 has been prepared by committing fraud on the Petitioner and the Petitioner was never explained with its contents. The Petitioner had also never agreed to relinquish her share over 'Ka' schedule property.

6. Mr. Acharya, learned counsel for the Opp. Party on the other hand submitted that the Petitioner was read over the contents of the compromise deed and she on her own agreed to relinquish her share over 'Ka' schedule property as the Opp. Party is looking after the Petitioner all through.

7. Having heard learned counsel for the Parties and taking into account the nature of allegation made in the writ Petition with regard to execution of the compromise deed and filing of the same on 02.02.2019, this Court is of the opinion that the said compromise deed has been signed by the Petitioner without understanding the contents of the same in its proper perspective. Learned counsel for the Opp. Party also fails to convince this Court the reason on the part of the Petitioner in relinquishing her share over 'Ka' schedule property.

8. Taking into account the nature of allegation made with regard to execution of the compromise deed dt.02.02.2019 and the status of the Petitioner, this Court is inclined to quash the order dtd.02.02.2019 and remand the matter to the concerned Lok Adalat for fresh disposal in accordance with law by giving opportunity of hearing to both the Parties.

9. Since it is a case of 2019, learned Lok Adalat is directed to dispose of the same by giving opportunity of hearing to both the

Parties within a period of six (6) months from the date of receipt of this order.

10. The writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha

