

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

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CWP-645-2022 (O&M).

Date of Decision: 22.09. 2022.

Bahadur Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Ms. Sonia G. Singh, Advocate, for the petitioner.

Ms. Niharika Sharma, AAG, Punjab.

Mr. Dinesh Maurya, Advocate, for respondent Nos.4 and 5.

VINOD S. BHARDWAJ, J. (ORAL)

CM-11503-CWP-2022

The instant application has been filed under Section 151 of the Code of Civil Procedure, seeking preponement of the date of hearing in the main case which is stated to be fixed for hearing.

Learned State counsel as well as learned counsel who has entered appearance on behalf of respondent Nos.4 and 5 have no objection to the aforesaid prayer being accepted.

Accordingly, the present application is allowed. The main case is preponed from 09.12.2022 and it taken on board today itself.

Main case

The instant writ petition has been filed under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of certiorari for quashing the impugned order dated 03.11.2001 passed by the Lok Adalat, Dhuri.

Learned counsel appearing on behalf of the petitioner contends that Suit No.853 of 2021 was instituted for seeking maintenance for allowance for respondent Nos.4 and 5.

The said suit/application was disposed of by the Presiding Officer, Lok Adalat, Dhuri, vide order dated 03.11.2001 which reads thus:-

“ORDER

Matter taken up in the Lok Adalat. Parties have compromised the matter. So suit be registered. Statements of the parties recorded on oath, in view of which suit of the plaintiff is decreed and maintenance allowance Rs.800/- per month to each of the plaintiffs be paid by defendant regularly from towards, is fixed accordingly. In view of further statement of the respondent, the respondent having sold 21 kanal suit property vide sale deed dated 30.07.2001, photostat of which has been placed on record by respondent himself as EX.R-1, whole of the balance share of the defendant in the suit property is created as charge in respect to the maintenance allowance of the plaintiff. File be consigned to the record room.

Dated 03.11.2001

*R.K. Gupta, PCS,
Presiding Officer,
Lok Adalat, Dhuri.”*

Learned counsel for the petitioner contends that on account of statement made by the petitioner herein, charge on the suit property had been created so as to ensure the maintenance allowance to be disbursed in favour of the respondent Nos.4 and 5.

It is submitted that after adjudication of the dispute vide the said order dated 03.11.2001, the parties had amicably resolved their dispute and they have since then been residing together as husband and wife and two children were born out of the said wedlock even thereafter.

It is contended that, in the meanwhile, the land in question has been acquired, however, the compensation in question is not being released on account of the charge having been created. She contends that parties were thus constrained to approach this Hon'ble Court and have placed on record the compromise (Annexure P-3) as well, so that the compensation in lieu of the land acquired can be released.

The parties are present in the Court and have been duly identified by their respective counsel. They have also placed on record statements made by way of duly sworn affidavits today in the Court to the effect that the matter stands amicably resolved and respondent Nos.4 and 5 have specifically stated that they have no objection in case the order dated 03.11.2001 passed by the Lok Adalat, Dhuri, is set aside so that they may seek release of the compensation against the acquired land.

Accordingly, the award dated 03.11.2001 (Annexure P-1) is set aside with the consent of the parties.

Needless to mention here that the parties shall be at liberty to take recourse to the enforcement of their successive rights, if so advised.

The present petition is disposed with the consent of the parties in above terms.

September 22, 2022
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No