

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
SECOND APPEAL NO. 707 OF 2022

Jayram S/o Ganpat Bakal & another Appellants

Versus

Ganesh S/o Kaduba Davane Respondent

Mr. R. R. Imale, Advocate for the appellants.

CORAM : R. M. JOSHI, J.
DATE : 31st MARCH, 2023.

PER COURT :

1. Heard.
2. Admit.
3. Following substantial question of law is framed :-

Whether the First Appellate Court has committed error in not applying the law laid down by the Honourable Apex Court in the case of State of Punjab and another vs. Jalour Singh and others, 2008 AIR (SC) 1209, correctly while reversing the order passed by the Trial Court dated 16th December, 2019 in Regular Civil Suit No. 16/2019 ?

(R. M. JOSHI)
Judge

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO. 14492 OF 2022 IN
SECOND APPEAL NO. 707 OF 2022

Jayram S/o Ganpat Bakal & another

Applicants

Versus

Ganesh S/o Kaduba Davane

Respondent

Mr. R. R. Imale, Advocate for the applicants

CORAM : R. M. JOSHI, J.

DATE : 31st MARCH, 2023.

PER COURT :

1. Learned counsel for the applicants submits that pursuant to the order of the First Appellate Court the proceeding of Regular Civil Suit No. 16/2019 is relegated back to the Trial Court and the Trial Court has issued notice to the parties. According to him, if the Trial Court is allowed to proceed with the suit, prejudice will cause to the applicants and the present appeal would become infructuous.

2. Considering the judgment of the Honourable Apex Court in the case of State of Punjab and another vs. Jalour Singh and others, 2008 AIR (SC) 1209, wherein it is clearly held that there can be challenge to the award of Lok Adalat only by filing writ petition

under Article 226 and/or 227 of the Constitution of India, the order passed by the First Appellate Court, on the face of it, is not sustainable. Considering this aspect of the case, the application stands allowed in terms of prayer clause 'B'.

(R. M. JOSHI)
Judge

dyb