

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

CR-7519-2015(O&M)

Reserved on:-11.4.2023

Date of decision:-17.4.2023

Jarnail Singh through LR Harbans Singh and others

...Petitioners

Versus

Jaspreet Singh and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Bikramjit S.Bajwa, Advocate with
Mr.Damanpreet Singh, Advocate
for the petitioners.

Mr.Arshdeep Bhullar, Advocate
for the respondents.

H.S. MADAAN, J.

1. Under challenge in this revision petition is the order dated 2.9.2015 passed by Civil Judge (Jr.Divn.), Panchkula vide which an application under Order 7 Rule 11 CPC filed by the defendants, who are revision petitioners before this Court, had been rejected.

2. Briefly stated, facts of the case are that plaintiff Jaspreet Singh son of Gurvir Singh, resident of House No.128, village Behlana, near Airport Chandigarh had brought a suit against defendants Jarnail Singh and others, seeking a declaration that judgment and decree dated 16.5.2005 passed in Civil Suit No.63 of 2005 by Presiding Judge, Lok Adalat/Samjhauta Sadan, Panchkula titled 'Gurmukh Singh and others Versus Jarnail Singh' based upon memorandum of family settlement is collusive, null and void, ineffective qua rights of the plaintiffs etc.

According to the plaintiff, the award passed by the Lok Adalat is result of fraud committed by the defendants with a mala fide intention to deprive the plaintiff from getting his share in the suit property because he was not a party, therefore, he is not bound by the said award.

3. On getting notice, defendants No.1 to 10 and 12 to 16 had appeared. They moved an application under Order 7 Rule 11 CPC seeking rejection of the plaint on the ground that the Civil Court has no jurisdiction to set aside the award passed by Lok Adalat in terms of Section 22-E of the Legal Services Authority Act, 1987 and no cause of action arose to the plaintiff to file the suit.

4. That application was contested by the plaintiff vehemently.

5. The trial Court vide the impugned order dated 2.9.2015 had dismissed the application mainly for the reason that though as per Section 22-E of the Legal Services Authority Act, 1987, every award of permanent Lok Adalat shall be final and binding on all the parties thereto and on persons claiming under them and in terms of Sub Section 4 the award shall not be called in question in any original suit, application or execution proceeding. However, a careful perusal goes to show that the bar operates with regard to parties to the earlier proceeding in which the award was passed and in this case the plaintiff was not a party to those proceedings, therefore, the suit filed by him cannot be taken to be barred in terms of Section 22 E of the Act. Furthermore, the suit had been filed raising plea of fraud, misrepresentation and for such like reasons a challenge to the award can certainly be offered. Therefore, it could not be said that the plaint did not disclose any cause of action.

6. The impugned order passed by the trial Court is quite detailed and well reasoned and it does not suffer from any illegality or infirmity and is not having any element of arbitrariness or perversity. The revisional jurisdiction of this Court is quite limited and considering the facts and circumstances of the case, there is no reason to interfere with the impugned order by way of exercising the revisional jurisdiction.

7. Finding no merit in the revision petition, the same stands dismissed.

The interim order dated 6.11.2015 passed by this Court staying further proceedings thus comes to an end.

Since the main revision petition has been dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

17.4.2023
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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No