

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

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CWP-10715-2023

Date of Decision: 17.05.2023

RAMESHWARI DEVI

... Petitioner

VERSUS

PRESIDING OFFICER, SAMJHOTA SADAN AND ANR

... Respondents

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

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Present: Mr. Yash Dev Kaushik, Advocate  
for the petitioner.

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**VINOD S. BHARDWAJ, J. (ORAL)**

The present petition raises a challenge the Award dated 13.01.2009 claimed to have passed by the Permanent Lok Adalat (Public Utility Services), Faridabad as well as the mutation No.2499 dated 28.07.2009, which was entered on the strength thereof.

The counsel for the petitioner contends that the petitioner has been defrauded by her son to suffer a statement and in passing of the said Decree/Award dated 13.01.2009 in case No.1011 dated 07.02.2008 and that on coming to know about the same, she had filed a civil suit bearing No.125/2931 of 2011. The said suit was rejected under Order VII Rule 11(d) of the CPC vide order dated 21.07.2014. CWP No.18236 of 2014 was filed by the petitioner which was dismissed this Court vide order dated 04.09.2014 by noticing that the option available with the petitioner was to either apply with the Legal Services Authority to recall the said impugned order or in case the petitioner wishes to insist that even the suit was permissible and maintainable, to prefer appropriate appellate remedy against the order rejecting the plaint. The said liberty to pursue the grievance before an appropriate Forum was thus granted to the petitioner.

A Civil Appeal No.17 dated 28.10.2014 was thereafter preferred by the petitioner. The said Civil Appeal was also dismissed by the Additional District Judge, Faridabad vide order dated 29.02.2016. The petitioner preferred Regular Second Appeal and also filed CWP No.5759 of 2018 before this Court. The said writ petition was also dismissed by this Court after noticing that a writ petition had earlier been filed and that the petitioner having opted to pursue her remedies under the civil law, the writ petition would not be maintainable. The liberty to available the appropriate remedy was again made available to the petitioner.

Learned counsel for the petitioner informs that the above said Regular Second Appeal has also thereafter been dismissed vide order dated 02.05.2023. The present writ petition has now been filed assailing the said Award.

I am of the considered view that such a course of action would not be permissible once the writ petition had earlier been dismissed by this Court after noticing that the petitioner may, if so advised, raise the issue of recalling the impugned order before the Legal Services Authority and/or to proceed further for her remedies under the Civil Law. Hence, the institution of successive writ petitions agitating the same grievance would not be permissible.

The present petition is accordingly dismissed in view of the fact that the earlier writ petition already stands dismissed on the same cause of action. However, the petitioner, may, if so advised, pursue her remedy as per the order dated 04.09.2014 passed in CWP No.18236 of 2014.

**17.05.2023***rajender***(VINOD S. BHARDWAJ)  
JUDGE***Whether speaking/reasoned : Yes/No**Whether reportable : Yes/No*