

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

107

CR-1754-2021(O&M)
Decided on : 04.07.2023

Urvashi and another

. . . Petitioner(s)

Versus

Kanhiya and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhimanyu Singh, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Present revision petition has been filed against the award dated 05.06.2009 (Anneuxre P-2) passed by the Permanent and Countinuous Lok Adalat, Rewari, whereby inter se dispute regarding property amongst the members of one family was settled. In fact, one civil suit for seeking decree of declaration and permanent injunction was instituted by Kanhiya and Ishwar Dutt sons of Jagdish Parshad against their own brothers, mother and other family members (defendants therein).

Dispute regarding property was pertaining to the residential house, which was earlier owned by Jagdish Parshad & thus, considering the dispute to be amongst the family members, it was referred to the Permanent Lok Adalat and Samjhota Sadan, Rewari, for some amicable solution.

2. Accordingly, one compromise/mutual settlement deed was prepared and marked as Ex.C1 by the Permanent Lok Adalat, Rewari on 20.03.2009. Compromise deed was signed by all the interested parties, who all were also the parties to the civil suit. Even Mahabir Parsad (defendant No.3 in civil suit), who is father of the petitioners herein, had also affixed his signatures in English.

3. Consequently, learned Permanent Lok Adalat passed an award dated 05.06.2009 making the compromise deed Ex.C1 and the site plan Ex.P1 as part of the award after the settlement of dispute amongst the parties.

4. After more than about 12 years, petitioners, who are successors in interest of Mahabir Parsad (defendant No.3 in civil suit) has alleged that

the said compromise is the outcome of fraud, therefore, they are not bound by the same.

5. I have gone through the pleadings raised in the petition as well as documents of compromise, which is appended as Annexure P-3 with the present petition and has noticed that Mahabir Parsad, has signed over the document of compromise, which is in Hindi vernacular with his own hand in English. It is also noticed that never any challenge has been made by the petitioners or Mahabir Parsad himself, denying the signature of Mahabir Parsad. Even, this Court has been apprised by the counsel for the petitioners that to the best of his knowledge, never any complaint was addressed by the petitioners to any of the authorities apprehending it to be a fraud committed by anybody.

Even, there is no answer with the petitioners as to why Mahabir Parsad has never made complaint about the compromise before the Permanent Lok Adalat. Even, none of the others brothers or mother or any other party have ever expressed their displeasure about the compromise before the Lok Adalat.

6. Otherwise, petition before this Court appears to be instituted with some ulterior motive by levelling false or baseless allegations of fraud that too after a long gap of more than 12 years of the compromise. Thus, finding no substance in the present petition, same is dismissed.

7. Pending application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 04, 2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No