

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

133

2023:PHHC:141781

CR-4890-2022

Date of decision: 07.11.2023

PUSHPA DEVI AND ANOTHER

..Petitioners

Versus

**SAGLI RAM (DECEASED) THROUGH LRS
AND ORS.**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Sherry K. Singla, Advocate
for respondent No.1(i) to (vi)

ANIL KSHETARPAL, J(Oral)

1. The petitioners filed a suit for exclusive possession by way of partition of their share to the extent of one and a half ($\frac{1}{2}$). During the pendency of the suit, the matter was referred to the Lok Adalat. Before the Lok Adalat, the parties filed a deed of settlement and made a statement admitting the settlement. The Presiding Officer of the Lok Adalat passed the following order on 15.12.2012:-

“File taken up in Lok Adalat. Sh. Jawahar Chauhan, Adv. appeared and filed power of attorney on behalf of defendant No.1. Efforts made. Parties have arrived at compromise. Plaintiff Jatinder Pal s/o Shadi Lal and defendant Sagli Ram s/o Amar Nath made separate statements regarding compromise and they produced written compromise Ex.C1 and copy of previous compromise Ex.C1/A.

In view of their statements, present suit stands dismissed as withdrawn being compromised. Parties appeared today shall remain bound by their statements. File be consigned to Judicial Record Room Anandpur Sahib.”

2. As per the deed of settlement, the plaintiffs were admitted to be the owners to the extent of half share.

3. After the disposal of the suit, the petitioners (plaintiffs) filed an application for execution of the decree, which has been dismissed by the Civil Judge (Junior Division) on 19.10.2022, while observing that the suit filed by the plaintiffs has been dismissed as withdrawn and there is no decree passed in this favour.

4. The correctness of the aforesaid order has been challenged in this revision petition.

5. The learned counsel representing the petitioner while referring to Section 21 of the Legal Services Authorities Act, 1987 (hereinafter referred to as the '1987 Act'), submits that every award of the Lok Adalat shall be deemed to be a decree of a Civil Court. He submits that the Executing Court has erred in dismissing the execution petition.

6. On the other hand, the learned counsel representing the legal heirs of respondent No.1 submits that there is no decree passed by the Court as the suit was dismissed as withdrawn. He submits that the petitioners can file an application for passing a preliminary decree. He further submits that at the most, a preliminary decree for partition of the property would be deemed to have been passed and the petitioners can file an application for the preparation of the final decree in order to divide the property by metes and bounds because in the compromise deed the parties have admitted that the plaintiffs are owners to the extent of half share.

7. Section 21 of the 1987 Act is extracted as under:-

“21. Award of Lok Adalat.—[(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section(1)

of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870).]

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.”

8. It is evident that the award passed by the Lok Adalat is considered as a ‘deemed decree’ of a Civil Court. Sub-Section 1 as well as Sub-Section 2 of Section 21 of the 1987 Act provides that such award made by the Court will not only be deemed to be a decree of the Civil Court but also it shall binding between the parties.

9. Even, the award passed by the Lok Adalat has specifically stated that the parties shall remain bound by their statements. In such circumstances, it would not be appropriate to hold that there is no decree passed by the Lok Adalat. The respondent cannot be permitted to take a U-turn and back out from the aforesaid settlement.

10. However, there is only one difficulty. In the deed of compromise, the parties have not divided the property by metes and bounds.

11. Keeping in view the aforesaid facts, the deed of settlement Ex.C-1 and Ex.C-1/A shall be treated as a preliminary decree. The petitioners shall have the liberty to file an application for the passing of a final decree.

12. With these observations, the present petition is disposed of.

13. All the pending miscellaneous applications, if any, are also disposed of.

November 07th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*