

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

RSA-5172-2017(O&M)

Reserved on:-25.4.2023

Date of Pronouncement:-2.5.2023

Rameshwari Devi

...Appellant

Versus

Raghunandan

...Respondent

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

Present: Mr.Yash Devi Kaushik, Advocate
for the appellant.

Mr.Ram Bilas Gupta, Advocate
for the respondent.

H.S. MADAAN, J.

1. Briefly stated, facts of the case are that plaintiff Rameshwari Devi had filed a suit against defendant Raghunandan, who is none-else but her son, seeking a declaration that Award dated 13.1.2009 in case No.1011 dated 7.10.2008 passed by Permanent Lok Adalat, Faridabad is illegal, null and void.

2. On getting notice, the defendant had put in appearance and contested the maintainability of the suit.

3. Vide the impugned order dated 21.7.2014, the trial Court of Civil Judge (Jr.Divn.), Faridabad observed that in view of Section 22E(4) of Legal Services Authorities Act, 1987, every award made by the

Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceedings. In that way, cannot be challenged by way of filing a suit . In view of such bar, the plaint was rejected under Order 7 Rule 11(d) CPC.

4. Feeling aggrieved by the said order, the plaintiff had filed an appeal in the Court of District Judge, Faridabad , which was assigned to Additional District Judge, Faridabad, who vide order dated 29.2.2016 dismissed the same.

5. Still feeling dissatisfied, the plaintiff has knocked at the door of this Court by way of filing a regular second appeal praying that the same be accepted, the impugned orders passed by the Courts below be set aside and her suit be decreed.

6. Notice of the appeal was issued to the respondent, who put in appearance through counsel.

7. I have heard learned counsel for the parties besides going through the record.

8. I find that the findings given by the Courts below are based upon proper appreciation and correct interpretation of law. The trial Court had rejected the claim of the plaintiff. Section 22E(4) of the Legal Services Authorities Act, 1987 clearly provides a bar to the challenge of award passed by Permanent Lok Adalat and such suit filed impugning the award could not possibly proceed further being barred by law. Therefore the plaint was rightly rejected under Order 7 Rule 11(d) CPC. Such order was rightly upheld by the First Appellate Court. No fault can be found with the orders passed by the Courts below. I do not see any reason to

disagree with the Courts below and take a different view and further to interfere with the impugned orders. Those orders are upheld.

9. No substantial question of law or fact arises in this appeal.

10. The appeal stands dismissed accordingly.

Since the main appeal stands dismissed, the miscellaneous application(s), if any, stand disposed of accordingly.

2.5.2023

Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No