

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

2024:PHHC:147381-DB



(114)

LPA-476-2024(O&M)

Date of Decision: 12.11.2024

Harnek Singh

--Appellant

Versus

The Presiding Officer, National Lok Adalat
& another

--Respondents

**CORAM:- HON'BLE MR. JUSTICE G.S. SANDHAWALIA.
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA.**

Present:- Mr. G.S. Jagpal, Advocate for
the appellant.

G.S. SANDHAWALIA.J (Oral)

1. The present appeal arises out of dismissal of CWP-25435-2023 vide order dated 06.12.2023, passed by learned Single Judge, wherein judgement and decree dated 09.03.2019 (Annexure P-3), passed by the Presiding Officer, National Lok Adalat, Baghapurana, District Moga, was subject matter of challenge.

2. Vide award in question, the court after recording statements of both the parties directed that payment of Rs.82 lakh along with interest @ 1% per month, will be made within four months. The court fee was also ordered to be refunded to the private respondent Gurdev Singh. Liberty was given to get the award executed in case the present appellant failed to make the payment. The said award was never a subject matter of challenge at any point of time by the present appellant, wherein the amount having not been paid, the execution proceedings were initiated firstly vide execution

proceedings bearing Exe.33 of 2019, wherein the property i.e. the land measuring 54 kanal 9 marla, was put to auction which is stated to be subject matter of agreement to sell dated 24.05.2016. The execution proceedings were dismissed as withdrawn vide order dated 23.03.2023 (Annexure P-6). The fresh execution was then filed on 04.05.2023 which is alleged to be subject matter of consideration in CR-4899-2023 pending before this Court. In the meanwhile, appellant also filed a writ petition challenging the said award which the learned Single Judge has dismissed by giving various reasons, keeping in view the provisions of the Legal Service Authorities Act, 1987, which talk about the settlement and compromise effected between the parties.

3. Upon notice having been issued, statement of the present appellant was recorded and parties do not dispute that the signatures were there on the compromise. The private respondent was held not to be questioned at the own statement of the present appellant on the ground that the compromise was entered by way of fraud. It was also noticed that the appellant has chosen to stay at home and did not agitate the settlement in question. Even though, the execution proceedings have been initiated and the challenge, thus, raised after four years of the award, has been passed and did not inspire any confidence in the averments or the arguments raised before the learned Single Judge.

4. In such circumstances, the writ petition has been dismissed by the learned Single Judge.

5. We do not find any plausible reason to take a different view, keeping in view the peculiar facts and circumstances of the case. The appellant now cannot turn around at this belated stage and submit that the

agreement before the court and the statements given are wrong. He had entered into the agreement with an open mind and got his statement recorded. The civil suit had been filed on 12.03.2018 during the period of limitation. The plea, though, had been taken that the plaintiff was a money lender and claim was that the property in dispute was not less than Rs.40 lakhs per acre in the year 2016 and therefore defendant could not agree to sell his land to the plaintiff @ Rs.15 lakhs per acre. The agreement was alleged to be forged and fabricated. The fact that the agreement had also been extended was also admitted but controverted on the ground that the terms mentioned were not read over to the defendant.

6. In such circumstances, having entered into compromise and settled with the private respondent, the National Lok Adalat after getting the statements recorded, we are of the considered opinion that having not questioned the same for a period of over four years and only when the second execution application was filed and adverse order was passed, the appellant while challenging the said proceedings by way of a Civil Revision also initiated a parallel round of litigation by filing a writ petition. Thus, bonafides of the appellant can be doubted in these circumstances. It is under such circumstances that the learned Single Judge has rightly dismissed the writ petition while upholding the award passed by the court while exercising the power under Legal Services Authorities Act, 1987. If, a second exercise is permitted, it would amount to each and every person withdrawing their consent duly signed before a court of competent jurisdiction.

7. In such circumstances, we are not inclined to interfere with the order passed by learned Single Judge. Resultantly, there is no merit in the

present appeal and the same is, accordingly, dismissed.

8. Pending application(s), if any, shall also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

12.11.2024
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No