

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1329 of 2019

Nilkamal Devi Randheer Kumar Panday Resident of Gopeshwar Nagar,P.S.-
Bhagwan Bazar,District-Saran at Chapra

... .. Petitioner/s

Versus

Rajesh Upadhyay @ Rajesh Kumar Upadhyay Bhukhal Upadhyay Resident
Of Gopeshwar Nagar,P.S.-Bhagwan Bazar,District -Saran at Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anjani Kumar Jha, Advocate

For the Respondent/s : Mr. Nawal Kishore Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 17-04-2025 Heard Learned Counsel for the petitioner and Learned
Counsel for the respondent.

2. The present writ petition has been filed on behalf of the petitioner against the award dated 24.09.2008 passed by the Permanent Lok Adalat, Chapra in Partition Suit No.28 of 2008 and also for declaration of entire proceeding adopted in passing the award is beyond jurisdiction of the Permanent Lok Adalat.

3. Learned Counsel for the petitioner submits that the said award has been passed on the basis of an application where suit value has been indicated as Rs.90,00,000/- (Rupees Ninety Lakhs) and therefore, order passed is beyond jurisdiction.

4. Upon perusal of the records, it transpires to this Court, that before Lok Adalat, petitioner was the plaintiff in the Suit No.28/2008 filed by the petitioner. Before the Permanent Lok Adalat said suit was entertained at the instance of petitioner, in which opposite party appeared and filed compromise. On the



joint request of present petitioner and opposite party i.e. present respondent, final award has been passed which is Annexure-4 dated 24.09.2008. After 11 years i.e. in the year 2019, the same petitioner who filed suit before the Lok Adalat and obtained award. He has filed the present writ petition challenging the award which has been passed in the year 2008 on the joint request of the parties (petitioner and respondents). This Court is extremely surprised that on the application of the petitioner, award has been prepared before the Lok Adalat on the basis of compromise and the same petitioner/person after 11 years of award submits that the award be set aside.

5. It also transpires to this Court that there is no cause of action for the petitioner to move before this Court as everything was done at the instance of the petitioner and in the entire writ petition, nothing has been explained as to what is the cause of action for the petitioner to move in the writ petition after lapse of 11 years from the date of award. And it is due to this reason, this Court is not inclined to interfere in this matter. Hence, this writ petition is hereby dismissed.

(Dr. Anshuman, J)

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