



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 234 OF 2025

Ishaq Mohd. Khan S/o Hasan Mohd. Khan
Since deceased through his L.Rs.
Suraiya Begum Mohd. Ishaq Khan
and others .. Applicants

Versus

Aijaj Ahmed Abdul Gaffar and others .. Respondents

Mrs. Asfia N. Ansari, Advocate for the Applicants.
Shri Avinash D. Hande, Advocate for the Respondent Nos. 1 and
2.

**CORAM : SHAILESH P. BRAHME, J.
DATE : 14TH JANUARY, 2026.**

FINAL ORDER :

. Heard both sides.

2. Being aggrieved by order dated 20.08.2025 passed below Exhibit 30 in R.C.S. No. 472 of 2024, present revision has been filed.

3. The plaint in R.C.S. No. 472 of 2024 is sought to be rejected on the strength of provisions engrafted in Sec. 23E(4) of the Legal Services Authorities Act, 1987 (for the sake of brevity and convenience hereinafter referred as to the 'Act'). Reliance is also additionally placed on the law laid down by the Supreme Court

in the matter of Triloki Nath Singh Vs. Anirudh Singh (D) through L.Rs. and others reported in *(2020) 6 SCC 629* to buttress that separate suit is not maintainable challenging compromise decree.

4. The respondents – plaintiffs have filed R.C.S. No. 472 of 2024 seeking declaration that compromise decree passed in Lok Adalat on 01.08.2021 in R.C.S. No. 486 of 2019 between the defendant Nos. 1 and 2 in that suit is bad in law and not binding. Further relief of perpetual injunction is solicited. It is stated that a fraud is played and suppressing material facts the settlement was arrived at. It is further contended that the respondents – plaintiffs were not party to the suit compromised and grave prejudice is caused because alienation dated 26.03.1987 was without any permission and consequentially agreement dated 16.09.2001 is bad in law.

5. R.C.S. No. 486 of 2019 was filed by the defendant No. 2 against the defendant No. 1 for specific performance of contract on the basis of agreement dated 16.09.2001. The settlement was arrived at before the Lok Adalat. The compromise was marked at Exhibit 13 and award was passed on 01.08.2021. It was award passed by the Lok Adalat, which is having protection of Sec. 23E(4) of the Act. Due to the express provision said award is prohibited to be called in question in any suit, application or execution proceedings.

6. Besides that reliance is placed on the judgment of the

Supreme Court in the matter of Triloki Nath Singh Vs. Anirudh Singh (D) through L.Rs. and others (supra) and rightly so. The relevant observations are in para No. 23, which is as follows :

“23. In the instant case, the suit was instituted in the year 1995 and 25 years have rolled by now and after the finding has been recorded in reference to issue no. 7 regarding the right, title and interest of the suit property against the appellant by the learned trial Judge devolved on the basis of a stated sale deed dated 6th January, 1984 and not interfered by the Court of Appeal preferred at the instance of the appellant, in the given circumstances, remitting the matter back to the learned trial Court to examine the suit filed at the instance of the appellant-plaintiff independently for protection of his right, title or interest being devolved on the basis of the stated sale deed dated 6th January, 1984 which as alleged to have been executed by one of the party to the compromise(Sampatiya) in the changed circumstances may not serve any purpose more so after the concurrent finding of Courts below have been recorded against the appellant-plaintiff.”

7. In view of above legal position suit filed by the respondent Nos. 1 and 2 is not maintainable and prohibited by Sec. 23E(4) of the Act. They have other alternate remedies available to agitate grievance regarding fraud, suppression of material facts not by separate suit. The plaint is liable to be rejected. The impugned order is unsustainable. The above referred circumstances skipped from the cognizance of the Trial Court. I, therefore, pass following order.

O R D E R

A. The civil revision application is allowed.

B. Impugned order is quashed and set aside and plaint in R.C.S. No. 472 of 2024 stands rejected.

C. However, it is made clear that it would be open to the respondents – plaintiffs to agitate their grievance as permissible in law.

D. There shall be no order as to costs.

[SHAILESH P. BRAHME J.]

bsb/Jan. 26