

Chief General Manager And Ors Vs Rajman Bai @ Rajmen Bai And Ors

Court: Chhattisgarh High Court

Date of Decision: Aug. 29, 2018

Acts Referred: Code Of Civil Procedure 1908 " Section 151, 152, 153
Constitution Of India, 1950 " Article 12, 226, 227

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Vaibhav Shukla

Final Decision: Dismissed

Judgement

Sanjay K. Agrawal, J

1. This writ petition is directed against the impugned order dated 10.05.2018 by which the trial Court has refused to entertain the application filed by

the petitioners under Section 151, 152 and 153 of the Civil Procedure Code to modify the award passed by the Lok Adalat on 26.03.2006.

2. I have heard learned counsel for the petitioners.

3. The award was passed by the Lok Adalat on 26.03.2006 and after the delay of 12 years, the petitioners have moved an application for modification

of that order before the trial Court which has been rejected by the impugned order stating that the award of Lok Adalat can be interfered with only by

filing the petition under Article 226 / 227 of the Constitution of India, relying upon the decision of Bhargavi Constructions & Anr. v. Kothakapu

Muthyam Reddy and Ors. Civil Appeal No. 11345 of 2017.

4. In my considered opinion, the trial Court is absolutely justified in dismissing the application of the petitioners. The award of Lok Adalat can only be

interfered with by filing the writ petition under Article 226 / 227 of the Constitution of India as relied in Bhargavi Construction (supra). Even otherwise,

the award was passed way back on 26.03.2006 and still it has not been complied with by the petitioner - SECL which cannot be approved as the

SECL being the State under Article 12 of the Constitution is expected to act fairly, reasonably and in accordance with law.

5. In view of the above, the writ petition deserves to be and is hereby dismissed. No cost(s).