

Sumati Lal Bohra @APPELLANT@Hash Pradeep Jain

Court: Rajasthan High Court (Jodhpur Bench)

Date of Decision: April 3, 2018

Acts Referred: Code of Civil Procedure, 1908 " Section 115, Order 39 Rule 2A

Hon'ble Judges: DR. PUSHPENDRA SINGH BHATI, J

Bench: Single Bench

Advocate: V.D. Dadhich, M.S. Singhvi, Akhilesh Rajpurohit

Final Decision: Disposed Off

Judgement

1. The petitioners have preferred this revision petition under Section 115 CPC, claiming the following reliefs:

"It is, therefore, most respectfully prayed that this revision petition may kindly be allowed and the impugned order dated 28.02.2004 passed by the

Addl. District Judge No.3, Udaipur in Civil Misc. Appeal No.27/2002 (94/2002) may kindly be quashed and set aside.

Any other order, which this Hon'ble Court deems fit, just and proper in the facts and circumstances of this case, may kindly be passed in favour

of the petitioners.

2. Learned counsel for the parties jointly submit that this revision petition may be disposed of in terms of the order passed by this Court in Shreemat

Pandey Vs. Pradeep Jain & Ors. (S.B. Civil Revision Petition No.114/2004) decided on 03.04.2018, which reads as under:

"1. The petitioner has preferred this revision petition under Section 115 CPC, claiming the following reliefs:

"It is, therefore, prayed that the record of the case may be called and the judgment and order dated 28.02.2004 delivered by the Additional Dist.

Judge No.3, Udaipur in appeal No.27/2002 may kindly be set aside and the appeal filed by the non-petitioner No.1 (applicants) may be ordered to be

rejected.

Any other appropriate order or direction which this Hon'ble Court considers just and proper in the facts and circumstances of this case, may

kindly be passed in favour of the petitioner.

2. The matter comes up on an application for disposal of the revision petition against the impugned order, whereby the appeal of the plaintiff, against

rejection of the application under Order 39 Rule 2A CPC, was allowed.

3. Mr. M.S.Singhvi, learned Senior Counsel assisted by Mr.Akhilesh Rajpurohit for the petitioner submits that a mutual compromise, in the form of

conciliation agreement, has been arrived at between G.B. Jain & Sons and the State Government before the Alternate Disputes Resolution (ADR)

Centre, Udaipur on 01.09.2017. Thus, the parties are bound by the said conciliation agreement.

4. For ready reference, the relevant clause-13 of the aforementioned conciliation agreement reads as under:

“13. That the parties of the conciliation further agree that they shall submit the decree passed by the Lok Adalat in the different cases arising out

of the agreement dated 04.05.1992 related to this dispute and help each other in finishing off all the cases including the following cases such as Suit

43/2013 before ADJ 5, Udaipur, Case no.218/1998 pending before Civil Judge Udaipur, S.B. Civil Revision Petition Nos.112/ and 114 pending in High

Court, CW 6021/2015 and CW 1253/2013 and CW 12245/2015 before Hon’ble HC and all other cases civil and criminal nature and after the

decree passed by the Lok Adalat no issues and disputes and cases remains between the parties. That in complete reverence to the expectations of the

Hon’ble Court in favour of conciliation as reflected from the order dt. 08-012015 passed with the consent of both the parties and in light of the

sanction letter No.P8(G)/Rule/DLB/13/29600, Jaipur dated 18-072017 of Govt. of Rajasthan and in light of the conciliation proposal dated 14-12-2016

and the letters of Municipal Corporation No.rajasva/ja/201617/61 dated 10-02-2017 and No.rajasva/128/201718 dated 07-07-2017 addressed to the

Director, Local Self, Govt. of Rajasthan; this conciliation agreement is being executed here with.”

5. Learned Senior Counsel for the petitioner further states that in view of the aforesaid conciliation agreement, a joint application has been filed by the

parties on 13.09.2017 before the learned Civil Judge (North), Udaipur in Original Suit No.218/1998, and in terms of the said application dated

13.09.2017, the learned court below has decided the suit itself vide its order dated 13.09.2017.

6. Fresh notices were issued to the contesting respondents and the service is complete.

7. No one has put in appearance on behalf of the respondents.

8. However, the relevant documents i.e. the conciliation agreement and the order passed by the learned court below are on record as Annexure-A/1

and AnnexureA/3 of the revision petition.

9. After hearing learned Senior Counsel for the petitioner and perusing the record of the case, this Court is of the opinion that since the suit itself has

been decided by the learned court below vide its order dated 13.09.2017, therefore, the revision petition deserves to be allowed and disposed of, in

terms of the aforementioned conciliation agreement dated 01.09.2017 and the order dated 13.09.2017 passed by the learned trial court.

10. Consequently, the present revision petition is allowed and disposed of, in terms of the aforementioned conciliation agreement dated 01.09.2017 and

the order dated 13.09.2017 passed by the learned trial court, while quashing and setting aside the order dated 28.02.2004 passed in Appeal No.27/2002

by the appellate court of learned Additional District Judge No.3, Udaipur.Ã¢â¬â€

3. In light of the aforesaid submission made by learned counsel for the parties, the present revision petition is also disposed of in the same terms.