

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

**Civil Writ Petition No.18634 of 2013
Date of decision : 31.01.2014**

Harish Kumar and another

...Petitioners

versus

Presiding Judge, Daily Lok Adalat, Ambala and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Avnish Mittal, Advocate,
for the petitioners.

Mr. S.S. Kamboj, Advocate,
for respondent No.2.

RITU BAHRI, J.

Challenge in this petition is to the order dated 27.05.2013 (Annexure P-8), whereby a petition filed under Section 19 of the Legal Services Act, 1987, has been dismissed.

The petitioners made an application/petition that they were entitled to a decree for specific performance of an agreement to sell dated 23.01.2012, executed by respondent No.2 in their favour qua shop No. 4427, situated at Gur Bazar, Ambala Cantt. During the pendency of this application, a statement was made by respondent No.2 on 25.10.2012 to the effect that he does not dispute the claim of the petitioners and made a prayer that the petition be allowed and award be passed on the basis of the compromise. Vide order dated 14.09.2012 (Annexure P-7), the matter was referred to the Daily Lok Adalat, Ambala. However, the Lok Adalat,

Ambala, dismissed the said petition vide order dated 27.05.2013 (Annexure P-8)

Learned counsel for the petitioners has referred to a judgment passed by the Hon'ble Supreme Court in case **State of Punjab and another Vs. Jalour Singh and others**, 2008 (2) Supreme Court Cases 660, to contend that in a proceeding before the Lok Adalat, if the parties do not conciliate and reach at a compromise, the case must be returned to the Court, from which, it was received for disposal in accordance with law.

In the present case, vide order dated 14.09.2012 (Annexure P-7), the Chief Judicial Magistrate, Ambala, had referred the application of the petitioners to Daily Lok Adalat, Ambala. There is no dispute with regard to the ownership of property in question and the fact that respondent No.2 had compromised with the petitioners. Therefore, the Lok Adalat at Ambala had the jurisdiction to pass appropriate orders in favour of the petitioners. In **Vijender Beniwal Vs. Presiding Judge, Permanent and Continuous Lok Adalat, Samjhauta Sadan, Gurgaon and another**, 2009 (2) RCR (Civil) 467, there was a dispute between the parties, as to whether respondent No.2 was a member of the family and whether he could arrive at a settlement on behalf of the family. Such type of disputed questions of fact could not be decided by the Lok Adalat, therefore, the Lok Adalat could not decide a suit for declaration.

However, in the present case since the matter has now been compromised between the parties, therefore, the Lok Adalat at Ambala, could accept the compromise and give a direction for registration of the sale deed.

In the light of the above discussion, the impugned order dated 27.05.2013 (Annexure P-8) is set aside and a direction is given to the

Permanent Lok Adalat, Ambala, to pass appropriate orders in accordance with law, after accepting the compromise effected between the parties.

Petition stands allowed accordingly.

(RITU BAHRI)
JUDGE

31.01.2014
ajp