



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

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CR-3023-2025 (O&M)  
Date of decision: 20.05.2025

Satvinder Singh and another

...Petitioners

V/s

Kulwinder Kaur and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

Present: Mr. Ishan Singh Cooner, Advocate, for the petitioners.

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**VIKRAM AGGARWAL, J (ORAL)**

The present revision petition is directed against the order dated 29.04.2025 (Annexure P-1) passed by the Court of Civil Judge (Jr. Divn.), Ambala, vide which the application filed by the petitioners-defendants under Order 7 Rule 11 of the Code of Civil Procedure, 1908 (for short the "CPC") for rejection of plaint was dismissed.

2. The facts, as emanating from the revision petition, are that a suit (Annexure P-3) was filed by the respondents-plaintiffs (Kulwinder Kaur and others) seeking a declaration to the effect that the Award dated 04.02.2014 passed in Civil Suit No.05-CS of 2014 titled as *Satvinder Singh Vs. Ishar Singh and another* by the Daily Permanent and Continuous Lok Adalat, Ambala was illegal, *nonest*, null and void and was based upon fraud as the same had been obtained by misrepresentation and playing fraud in order to defeat the rights of the plaintiffs.

3. The grievance was that Satvinder Singh instituted a suit against his father (Ishar Singh) as regards possession of land measuring 2 *kanals* 12 *marlas* situated in Village Jandli, Tehsil and District Ambala. The said suit was decreed in the Daily Permanent and Continuous Lok Adalat vide Award dated 04.02.2014 (Annexure P-2). It was the case of the plaintiffs (Kulwinder Kaur and others) that the said decree had been obtained by way of fraud



without impleading them as a party. During the course of the suit, an application under Order 7 Rule 11 CPC (Annexure P-4) was moved by the present petitioners/defendants for rejection of the plaint on the ground that the Civil Court did not have the jurisdiction to try the suit and the only remedy with the plaintiffs was to file a writ petition. The said application was opposed by way of reply (Annexure P-5). By way of the impugned order, the said application was dismissed leading to the filing of the present revision petition.

4. I have heard learned counsel for the petitioners.

5. Learned counsel for the petitioners submits that the trial Court erred in rejecting the application filed under Order 7 Rule 11 CPC. He submits that the only remedy with the respondents-plaintiffs was to file a writ petition against the Award passed by the Lok Adalat. In support of his contention, learned counsel has placed reliance upon a judgment of the Supreme Court of India in ***Bhargavi Constructions & another vs. Kothakapu Muthyam Reddy & others***, 2018(13) SCC 480.

6. I have considered the submissions made by learned counsel for the petitioners but find the same to be devoid of merit.

7. The remedy of filing of a writ petition would be available to a party to the award. However, where a person was not a party to the award and was challenging the award on the ground of fraud etc., the only remedy would be to file a civil suit. This view was taken by a coordinate Bench of this Court in ***Smt. Shalu vs. Vineet***, 2014(2) PLR 602;

***“12. One thing is very much clear from the judgment (supra), that the parties to the award of the Lok Adalat are bound by it, and no appeal against it lies. A party to the award can challenge it only under the Constitution of India. But, this judgment is inconsequential to the petitioner as, indubitably, the respondent was not a party in the suit, wherein, the award dated 15.02.2011 was passed by the Lok Adalat. So, the judgment (supra) can be avoided by the respondent. This judgment would have been binding upon him, if he would have been a party to the***



*impugned award. When, he is not a party to the award and, when, it is his case that the award was obtained fraudulently, without making him party to the alleged settlement, he has every right to challenge the same by way of filing a suit, in terms of Section 9 of the Code of Civil Procedure.”*

8. This Court fully concurs with the view taken by the coordinate Bench. As regards the judgment of the Apex Court in ***Bhargavi Constructions*** (supra), no doubt it was held that a writ petition would be maintainable to challenge the award passed by the Lok Adalat. However, in the said case, the parties concerned were also parties to the award. This judgment would, therefore, not come to the aid of the petitioner.

9. That being so, I do not find any merit in the instant revision petition and the same is accordingly dismissed.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)  
JUDGE

May 20, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No