

WP(C) 5136/2016

BEFORE

THE HON'BLE MR. JUSTICE MANOJIT BHUYAN

Heard Mr. A. Ganguly, learned counsel for the petitioner as well as Mr. U.K. Nair, learned counsel representing respondent no. 1.

The settlement arrived at between the petitioner and the respondent no. 1 before the Lok Adalat at Guwahati on 09.04.2016 is put to challenge on ground that the petitioner was coerced and put under duress to enter into the said compromise.

The respondents arrayed in the writ petition are all private parties.

Mr. Nair submits that the settlement arrived at between the parties have already been acted upon, in that, the petitioner has made monthly maintenance of Rs. 10,000/- to the respondent no. 1. Also, Mr. Nair objects to the maintainability of the writ petition filed under Article 226 of the Constitution of India.

Let Notice be issued making it returnable by 4(four) weeks.

Petitioner to take steps for service of notice upon respondent nos. 2 and 3 by Registered Post, Acknowledgment Due within 5(five) days.

It is made clear that on the returnable date the question with regard to the maintainability of the writ petition shall be taken up for consideration in the first place. Needless to say, the petitioner shall continue to make payment of the monthly maintenance amount in terms of the Order dated 09.04.2016 passed in F.C. (Criminal) 113/2015, which has its basis on the compromise arrived at before the Lok Adalat at Guwahati on 09.04.2016.