

pleased to dismiss the objection filed by the petitioner under Section 47 of the Code of Civil Procedure in Execution Case No. 35 of 2020.

4. Mr. Bibhas Sinha, learned counsel appearing for the petitioners submits that the sole opposite party herein has initially instituted Title Suit No.12 of 2001 under Section 13 of the Specific Relief Act against the father of the present petitioner namely late Laxmi Narayan Sahu praying, *inter alia*, for the reliefs as follows:-

a) The defendant may be directed to execute and register sale deed in respect of the suit property which has been more fully described in Schedule 'A' of the plaint after receiving balance consideration from the plaintiff and failing which the learned Trial Court may be pleased to execute and register the deed of sale in favour of the plaintiff of the suit property after depositing the balance consideration money by the plaintiff in court and the plaintiff may be put in Khas Physical Possession through the process of the court if the learned Court found that the plaintiff is not in possession of the suit premises.

b) The alternative relief may be granted as money decree for a sum of Rs.6,19,000/- (Rupees Six Lacs Nineteen Thousand) only including the interest at the rate of 14% per annum from the date of entering into an agreement for sale of suit premises till the date of realization as damages and cost of prestige.

c) Decree for the cost of the suit be awarded in favour of the plaintiff.

d) The right, title and possession of the plaintiff over the suit property may be declared and the order passed in M 495/2000 and the order dated 29.04.2000 declared null and void as it is not operative against the plaintiff.

e) Any other relief or reliefs be awarded in favour of the

plaintiff, which will be deemed fit and proper.

5. He next submits that during the pendency of the aforesaid suit, on 20.12.2002, an application was filed by the parties of Title Suit No. 12 of 2001 praying therein for transfer of their case to Lok Adalat for the purpose of settlement between the parties. He refers to the order sheet and submits that after filing of application on 20.12.2002, the prayer was allowed and records were transferred to Lok Adalat scheduled on 21.12.2002. He also submits that the said suit instead of going to Lok Adalat was erroneously transferred to Permanent Lok Adalat. The Permanent Lok Adalat after receipt of record on 21.12.2002 registered a separate case being PLA Case No. 270 of 2002 and thereafter the proceeding held on several dates and ultimately on 18.02.2003 on the basis of joint compromise petition filed by the parties therein, a suit for specific performance of contract was disposed of and the office was directed to prepare a decree and thereafter the decree was drawn and signed on 04.03.2003 by Permanent Lok Adalat. He then submits that for the execution of the said decree of Permanent Lok Adalat, the opposite party herein filed the Execution Case No.01 of 2010 against the petitioner herein and her mother, as because by that time, the original defendant namely Laxmi Narayan Sahu passed away. He next submits that the mother and the petitioner appeared in the said execution case and filed objection under Section 47 of the Code of Civil Procedure on amongst the grounds particularly that the dispute between the parties resolved by the PLA Court by passing the decree was not under the competence

/ ambit of permanent Lok Adalat and thus was without jurisdiction.

He also submits that the mother of the petitioner during the pendency of the said Misc. Case No.44 of 2014, has left for her heavenly aboard and her name was deleted by the order dated 17.03.2023 and further by order dated 29.11.2024, the objection filed by the petitioner under Section 47 of the Civil Procedure Code has been rejected by the learned Court, against that, the petitioner has preferred the Civil Revision No.17 of 2025, in which, by order dated 30th April 2025, notices have been issued to the opposite party.

6. He next submits that the petitioner was not party in the Title Suit No.12 of 2001 and PLA No.270 of 2001 and therefore, she was not aware about the judgment and decree passed by the Permanent Lok Adalat. He next submits that the petitioner came to know about the said decree, when the mother and the petitioner were made parties in the execution case filed by the opposite party and thereafter filed the objection. He also submits in these backgrounds, the Permanent Lok Adalat is having no jurisdiction of deciding any suit and has passed the order, which is without jurisdiction and liable to be set-aside.

7. He next submits that in light of Chapter VI-A of Legal Services Authorities Act, 1987, only the public utility services can be subject matter before the Permanent Lok Adalat. He refers to relevant Sections of Chapter VI-A, particularly Sections 22-A and 22-B with respect to the definition of Public Utility Services. By way of referring Sections 22-A and 22-B of the Legal Services Authority Act, he

submits that Permanent Lok Adalat does not have jurisdiction over any dispute, which is not within the ambit of Public Utility Service. He next submits that the said suit was with regard to the specific performance of contract and even by way of compromise, the Permanent Lok Adalat has wrongly assumed the jurisdiction. He also submits that Permanent Lok Adalat inherently lacks jurisdiction over the subject matter, passed the said order, that too, in absence of the petitioner and her mother. He also submits that it is well settled that even with consent, jurisdiction can't be conferred upon any Court.

8. To buttress to his argument, he relied in the case of *Harshad Chiman Lal Modi Vs. DLF Universal Ltd. and another* reported in (2005) 7 SCC 791 and he refer to Para 30, 32 and 33, which are as under:

“30. We are unable to uphold the contention. The jurisdiction of a court may be classified into several categories. The important categories are (i) Territorial or local jurisdiction; (ii) Pecuniary jurisdiction; and (iii) Jurisdiction over the subject matter. So far as territorial and pecuniary jurisdictions are concerned, objection to such jurisdiction has to be taken at the earliest possible opportunity and in any case at or before settlement of issues. The law is well settled on the point that if such objection is not taken at the earliest, it cannot be allowed to be taken at a subsequent stage. Jurisdiction as to subject matter, however, is totally distinct and stands on a different footing. Where a court has no jurisdiction over the subject matter of the suit by reason of any limitation imposed by statute, charter or commission, it cannot take up the cause or matter. An order passed by a court having no

jurisdiction is nullity.

32. In *Bahrein Petroleum Co.*, this Court also held that neither consent nor waiver nor acquiescence can confer jurisdiction upon a court, otherwise incompetent to try the suit. It is well-settled and needs no authority that 'where a court takes upon itself to exercise a jurisdiction it does not possess, its decision amounts to nothing.' A decree passed by a court having no jurisdiction is non-est and its validity can be set up whenever it is sought to be enforced as a foundation for a right, even at the stage of execution or in collateral proceedings. A decree passed by a court without jurisdiction is a coram non judice.

33. *In Kiran Singh v. Chaman Paswan, (1955) 1 SCR 117: AIR 1954 SC 340*, this Court declared; "It is a fundamental principle well established that a decree passed by a court without jurisdiction is a nullity and that its invalidity could be set up whenever and it is sought to be enforced or relied upon, even at the stage of execution and even in collateral proceedings. A defect of jurisdiction strikes at the very authority of the court to pass any decree, and such a defect cannot be cured even by consent of parties."

By way of referring the above judgment, he submits that with consent or waiver or acquiescence, jurisdiction cannot be conferred upon any court, if the Court incompetent to try the suit.

9. He next relied upon the case of *Kanwar Singh Saini V. High Court of Delhi* reported in *(2012) 4 SCC 307* and refers to Para 22, which is as under:-

"22. There can be no dispute regarding the settled legal proposition that conferment of jurisdiction is a legislative function and it can neither be conferred with the consent of

the parties nor by a superior court, and if the court passes order/decreed having no jurisdiction over the matter, it would amount to a nullity as the matter goes to the roots of the cause. Such an issue can be raised at any belated stage of the proceedings including in appeal or execution. The finding of a court or tribunal becomes irrelevant and unenforceable/inexecutable once the forum is found to have no jurisdiction. Acquiescence of a party equally should not be permitted to defeat the legislative animation. The Court cannot desire jurisdiction apart from the Statute.

Relying upon the above judgment, he submits that it has been held that if in absence of any jurisdiction, order has been passed and that will be amount to nullity.

10. Lastly, he relied in the case of *Carona Ltd. V. Parvathy Swaminathan & Sons* reported in (2007) 8 SCC 559 and refers to Para 27 and 28 of the said Judgment, which are as under:

“27. Stated simply, the fact or facts upon which the jurisdiction of a Court, a Tribunal or an Authority depends can be said to be a 'jurisdictional fact'. If the jurisdictional fact exists, a Court, Tribunal or Authority has jurisdiction to decide other issues. If such fact does not exist, a Court, Tribunal or Authority cannot act. It is also well settled that a Court or a Tribunal cannot wrongly assume existence of jurisdictional fact and proceed to decide a matter. The underlying principle is that by erroneously assuming existence of a jurisdictional fact, a subordinate Court or an inferior Tribunal cannot confer upon itself jurisdiction which it otherwise does not possess.

28. In Halsbury's Laws of England, (4th Edn.), Vol.1,

para 55, p.61; Reissue, Vol.1(1), para 68, pp.114- 15, it has been stated:

"Where the jurisdiction of a tribunal is dependent on the existence of a particular state of affairs, that state of affairs may be described as preliminary to, or collateral to the merits of the issue. If, at the inception of an inquiry by an inferior tribunal, a challenge is made to its jurisdiction, the tribunal has to make up its mind whether to act or not and can give a ruling on the preliminary or collateral issue; but that ruling is not conclusive".

The existence of a jurisdictional fact is thus a sine qua non or condition precedent to the assumption of jurisdiction by a Court or Tribunal.

11. Relying upon the above judgment, Mr. Sinha submits that the existence of a jurisdictional fact is thus a sine qua non or condition precedent to the assumption of jurisdiction by a court or tribunal.

12. He submits that in view of that the impugned orders may kindly be set-aside and the said suit being Title Suit No.12 of 2001 may kindly be restored for adjudication on merit. On these grounds, he submits that the prayer in these petitions may kindly be allowed.

13. On the other hand, Mr. Pandey, learned counsel appearing for the sole opposite party vehemently opposed the prayer and submits that father of the present petitioner has compromised the matter and in view of that, the matter was transferred to the Lok Adalat, however, the permanent Lok Adalat has passed the order. According to him, if Permanent Lok Adalat has exercised the power, there is no illegality as the Lok Adalat and the Permanent Lok Adalat are having the jurisdiction in light of the Legal Services Authorities Act, 1987.

14. In view of the above submissions of the learned counsel appearing for the parties and after going through the records as well as the orders of both the courts in these petitions, it transpires that the opposite party herein has instituted the Title Suit No.12 of 2001 under Section 13 of the Specific Relief Act for the reliefs as noted herein above.

15. On 20.12.2002, an application was filed for transferring the matter to the Lok Adalat for the purpose of settlement and pursuant to that the said record has been transferred the Lok Adalat, however subsequently, it has been registered in the Permanent Lok Adalat being PLA Case No.270 of 2002 and thereafter the Permanent Lok Adalat on the basis of the compromise, decreed the said suit and the decree was drawn and signed on 4.03.2003 by the Permanent Lok Adalat. For execution of the said decree of the Permanent Lok Adalat, opposite party herein has filed the Execution Case No.01 of 2010, in which after notice, the petitioner and her mother have appeared and filed the objection, saying that they were not made party and they were not knowing about the said suit and there were Partition Suit No.52 of 2000, which was pending between the father, uncle and other family members of the petitioner herein. During the pendency of the said Misc. Case No.44 of 2014, the mother of the petitioner has left for her heavenly aboard. Thus it is crystal clear that partition suit between the families have already been instituted in the year 2000, wherein the specific performance case has been brought by the party opposite party in the year 2001. In the specific

performance Act, the other family members of the late Lakshmi Narayan Sahu have not been made party. On the basis of the compromise, the said suit was transferred to the Lok Adalat, however, it has been registered by the Permanent Lok Adalat.

16. The questions remain in the aforesaid background as to whether the said award/decreed can be quashed by this Court or not and further the dispute in question can be subject matter of Permanent Lok Adalat or not?

17. Chapter VI-A of the Legal Services Authority Act of 1987 speaks about pre-litigation, conciliation and settlement. Section 22-A of the Act, 1987 reads as under:

“22A. Definitions. - In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires-

(a) "Permanent Lok Adalat means a Permanent Lok Adalat established under sub-section (1) of section 22B;

(b) "public utility service" means any-

(i) transport service for the carriage of passengers or goods by air, road or water; or

(ii) postal, telegraph or telephone service; or

(iii) supply of power, light or water to the public by any establishment; or

(iv) system of public conservancy or sanitation; or

(v) service in hospital or dispensary; or

(vi) insurance service

and includes any service which the Central Government or the State Government, as the case may be, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter."

18. Looking into the said definition, it is crystal clear that only public utility service can be subject matter before the Permanent Lok Adalat, whereas in the case in hand, on the basis of compromise with

regard to a specific performance suit, the award / decree has been obtained, that too in absence of the petitioner and her mother. It is well settled in law that Lok Adalats have no adjudicatory or judicial function. Their functions relate purely to conciliation. A Lok Adalat determines the reference on the basis of a compromise or settlement between the parties and puts its seal of confirmation by making the award in terms of compromise. It is further well known that if any party wants to challenge the award based on settlement, the same can be examined in a writ petition under Article 226 and / or 227 on a very limited ground. *In Kiran Singh v. Chaman Paswan* reported in **(1954) 1 SCC 710**, the Hon'ble Supreme Court has held that as a judgment or a decree obtained by playing fraud on the Court is a nullity and non-est in the eyes of law and its invalidity can be challenged even in collateral proceedings. Similar view has been taken in **S.P. Chengalvaraya Naidu (dead) by L.Rs versus Jagannath (dead) by L.Rs (1994) 1 SCC 1**. In the case of **P.T. Thomas V. Thomas Job, 2005 (6) SCC 478**, it has been held that the award of a Lok Adalat is not a result of a contest on merit, just as a regular suit by a Court in a regular trial is, however, it is as equal and on par with a decree on compromise and will have same binding effect and be conclusive. It is trite law that validity of a compromise decree can be challenged on the ground that if it was obtained by playing fraud. In this regard, reference may be made to the judgment passed by Hon'ble Supreme Court in the case of **A.A. Gopalakrishnan V Cochin Devaswom Board, 2007 (7) SCC 482**.

19. Since the award passed by Lok Adalat is akin to a compromise decree, its validity can be challenged by a party under Article 226 /227 of the Constitution of India on the ground that the same has been obtained by playing fraud.

20. 'Fraud' means and includes any of the following acts committed by a party to a contract, or with his connivance, or by his agent, with intent to deceive another party there to or his agent or to induce him enter into the contract:- (1) the suggestion, as a fact, of that which is not true by one who does not believe it to be true (2) the active concealment of a fact by one having knowledge or belief of the fact which is not true by one who does not believe it to be true; (3) a promise made without intention of performing it; (4) any other act fitted to deceive; (5) any such act or omission as the law specially declares to be fraudulent. A reference may be made to the Advanced Law Lexicon by P. Ramanatha Aiyar, Third Edition Reprint 2007.

21. In view of the Judgment passed by the Hon'ble Supreme Court in the case of *State of Punjab versus Jalour Singh, (2008) 2 SCC 660*, the law laid down that challenge to the award of Lok Adalat can be only be done by filing a writ petition under Article 226 and / or Article 227 of the Constitution of India in the High Court and that too on very limited grounds. In light of that, a case of challenge, limited ground is made out, the remedy is only to file writ petition before the High Court and if it is brought before the court, it is with the High Court to decide whether any ground was made out by the petitioner for quashing the said award and if so whether those

grounds are sufficient for its quashing or not.

22. In light of the above facts and discussions, what is emerging now that in light of Section 22-A of the Act, 1987 is required to be read along with Section 22-A and 22-A (a) and (b) of the said Act, wherefrom, it is evident that the Permanent Lok Adalat can be established only for exercising jurisdiction in respect of one or more public utility services justifying under Section 22-A. In light of the provisions made therein, Permanent Lok Adalat is not having jurisdiction with respect to any matter other than public utility services as defined under Section 22A (b) under Chapter VI-A of the said Act, which deals with pre-litigation, conciliation and settlement. The Permanent Lok Adalat is having no jurisdiction in respect of the matter, which is pending in the court. In light of the above, the subject matter of property has no connection with the public utility service, for which Permanent Lok Adalat are established and only over which the permanent Lok Adalat is having jurisdiction as defined under Section 22A(b) of the said Act. The permanent Lok Adalat in light of the above has got no jurisdiction at all to entertain the matter arising out of a property dispute.

23. The allegations are made that in absence of the petitioner, her mother and other family members, the said suit Specific Performance Suit being Title Suit No. 12 of 2001 was instituted, which was transferred on the request to the Lok Adalat, however, subsequently it was registered in the Permanent Lok Adalat being PLA No.270 of 2001. The Partition Suit pending between the family members was

already instituted in the year 2000, wherein the said Specific Performance Suit was instituted in the year 2001.

24. It is well settled that if any illegality has been committed by any court, that illegality cannot be allowed to be perpetuated. The reference may be made to the Judgment passed by the Hon'ble Supreme Court in the case of ***Sarukh Singh Vs. Union of India*** reported in ***2011(11) SCC 198***, wherein Para 27, 29 and 30 of the Judgment, it has been held as under:

27. In Union of India v. Rangila Ram [(1995) 5 SCC 585] this Court held as follows: (SCC p. 586, para 4)

“4. The point is no longer res integra. This Court has considered the scope of the power of the High Court under Sections 151 and 152 CPC and also under Section 13-A of the Act. This Court has held that once the civil court made an award as per law then in force which became final and that there is no error of law as on that date. Subsequent amendment does not give power to the court to amend the decree under Sections 151 and 152 CPC. This was held in State of Maharashtra v. Maharau Srawan Hatkar [(1995) 3 SCC 316] and Union of India v. Pratap Kaur [(1995) 3 SCC 263]. In Maharau Srawan Hatkar case [(1995) 3 SCC 316] this Court held that the civil court lacked inherent jurisdiction and was devoid of the power to entertain an application to award additional benefits under Amendment Act 68 of 1984. The facts therein were that the award had become final and Amendment Act 68 of 1984 had come into force on 24-9-1984. The respondents made an application under Sections 151 and 152 CPC to award enhanced solatium and additional benefits, etc. and the civil court allowed and granted the same. In that context, considering the civil court's power under Sections 151 and 152 CPC,

this Court laid the above law.”

29. There are a number of decisions of this Court wherein it has also been held that a wrong judgment given by the High Court cannot be taken as a precedent for perpetrating such wrong. In State of Haryana v. Ram Kumar Mann [(1997) 3 SCC 321: 1997 SCC (L&S) 801] this Court held as follows: (SCC p. 322, para 3)

“3. The question, therefore, is whether the view taken by the High Court is correct in law. It is seen that the respondent had voluntarily resigned from the service and the resignation was accepted by the Government on 18-5-1982. On and from that date, the relationship of employer and the employee between the respondent and the State ceased and thereafter he had no right, whatsoever, either to claim the post or a right to withdraw his resignation which had already become effective by acceptance on 18-5-1982. ... The doctrine of discrimination is founded upon existence of an enforceable right. He was discriminated and denied equality as some similarly situated persons had been given the same relief. Article 14 would apply only when invidious discrimination is meted out to equals and similarly circumstanced without any rational basis or relationship in that behalf. The respondent has no right, whatsoever and cannot be given the relief wrongly given to them i.e. benefit of withdrawal of resignation. The High Court was wholly wrong in reaching the conclusion that there was invidious discrimination. If we cannot allow a wrong to perpetrate, an employee, after committing misappropriation of money, is dismissed from service and subsequently that order is withdrawn and he is reinstated into the service. Can a similarly circumstanced person claim equality under Article 14 for reinstatement? The answer is obviously ‘No’. ... A wrong decision by the Government does not give a right to

enforce the wrong order and claim parity or equality. Two wrongs can never make a right. Under these circumstances, the High Court was clearly wrong in directing reinstatement of the respondent by a mandamus with all consequential benefits.”

“30. The concept of equality as envisaged under Article 14 of the Constitution is a positive concept which cannot be enforced in a negative manner. ... Benefits extended to some persons in an irregular or illegal manner cannot be claimed by a citizen on the plea of equality as enshrined in Article 14 of the Constitution by way of writ petition filed in the High Court. The Court observed (in Gursharan Singh case [Gursharan Singh v. NDMC, (1996) 2 SCC 459.]): (SCC p. 465, para 9)

‘9. ...Neither Article 14 of the Constitution conceives within the equality clause this concept nor Article 226 empowers the High Court to enforce such claim of equality before law. If such claims are enforced, it shall amount to directing to continue and perpetuate an illegal procedure or an illegal order for extending similar benefits to others. Before a claim based on equality clause is upheld, it must be established by the petitioner that his claim being just and legal, has been denied to him, while it has been extended to others and in this process there has been a discrimination.’

Again in Jaipur Development Authority v. Daulat Mal Jain [(1997) 1 SCC 35] this Court considered the scope of Article 14 of the Constitution and reiterated its earlier position regarding the concept of equality holding: (SCC pp. 51-52, para 28)

‘28. ... Suffice it to hold that the illegal allotment founded upon ultra vires and illegal policy of allotment made to some other persons wrongly, would not form a legal premise to ensure it to the respondent or to repeat or perpetuate

such illegal order, nor could it be legalised. In other words, judicial process cannot be abused to perpetuate the illegalities. Thus considered, we hold that the High Court was clearly in error in directing the appellants to allot the land to the respondents.'

25. In light of the above discussion, it is crystal clear that the Permanent Lok Adalat is having no jurisdiction to decide any property matter, has passed the said award on the basis of the compromise between the opposite party and late Lakshmi Narayan Sahu, who happened to be the father of the petitioner.

26. The Court finds that the judgments relied by the learned counsel appearing for the petitioners ***Harshad Chiman Lal Modi Vs. DLF Universal Ltd. and another (Supra)***, ***Kanwar Singh Saini V. High Court of Delhi (Supra)*** and ***Carona Ltd. V. Parvathy Swaminathan & Sons (Supra)*** are helping the petitioners and in the light of discussion, it is further crystal clear that in absence of any jurisdiction, the Permanent Lok Adalat has passed the said award/degree. In light of those judgments, it is well settled principle of law that a tribunal, court or statutory authority cannot confer upon itself jurisdiction by wrongly assuming the existence of a jurisdictional fact.

27. In light of the above facts, reasons and analysis, these petitions succeeds.

28. As such, the judgment / award / degree dated 18/02/2003 passed by Permanent Lok Adalat, Ranchi in PLA Case No. 270 of 2001 on the basis of the compromise is hereby set-aside.

29. Resultantly, the order dated 29/11/2004 passed by the learned Civil Judge Junior Division, Ranchi in Civil Misc. Case No.12 of 2020 is also set aside.

30. Consequently, the Title Suit No. 12 of 2001 is restored to its original file. The same will be decided in accordance with law.

31. The petitioner and opposite party herein will move before the learned court in the said Title Suit No.12 of 2001 and will move appropriate petition for deciding the said-on merit.

32. These petitions are allowed in the above terms and disposed of.

(Sanjay Kumar Dwivedi, J.)

24.03.2026

R.Kumar **A.F.R.**
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