

REVISED
 COURT NO.3 SECTION IVA
 S U P R E M E C O U R T O F I N D I A
 RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 7999/2016

(From the judgment and order dated 28.04.2011 in WP(C) No.799/2011 passed by the HIGH COURT OF MADHYA PRADESH AT INDORE)

LILA DHAR & ORS. Petitioner(s)

VERSUS

SURENDRASINGH & ORS. Respondent(s)
 (with appln. (s) for correcting the name of petitioner(s)/respondent(s) and deletion of the name of respondent and exemption from filing O.T. and interim relief and office report)

Date : 25/04/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
 HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Mr. A.P. Dhamija, Adv.
 Mr. J.P. Singh, Adv.
 for Ms. Bharti Tyagi,AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
 O R D E R

The applications for correcting the name of respondent no.2, and deletion of the name of respondent no.4(5) are allowed in terms of the prayer made.

Heard learned counsel for the petitioners.

We find that the very filing of the instant special leave

Signature Not Verified

petition is an abuse of the judicial process.

Digitally signed by
 PARVEEN KUMAR
 Date: 2016.05.04

In this behalf, the

17:42:39 IST
 Reason:

observations made by the High Court in paragraphs 4 as well as 11

need to be noticed. They are being extracted hereunder:

"4. During pendency of Second Appeal, fresh objections under Order 21 Rule 97 CPC were filed by the wife, daughters and sons of present petitioner. The said objection was dismissed by the executing

Court vide order dated 13.4.2010. After rejection of their objection they filed a First Appeal No. 547 of 2010. This Court while deciding the First Appeal made an observation that fresh objections under Order 21 Rule 97 CPC by the said objector is clearly an abuse of the process of law and a misuse of the process of this Court. Faced with the aforesaid difficulty, a prayer was made for withdrawal of the First Appeal No. 547 of 2010, which was dismissed as withdrawn on 06.9.2010 with liberty to the objectors to continue with the proceedings in Second Appeal No. 674 of 208, in accordance with law.

11. In the present case, the petitioners and other objectors are raiding the Courts one after another by filing applications which is nothing but an abuse of the process of Court. It is not a case where the settlement was contrary to any statutory provision or was opposed to public policy as envisaged under Section 23 of the Contract Act. It is not required to go into the question as to whether the contents of the said settlement are correct or not. Only in a case where fraud on the party or fraud on the Court has been alleged or established, the Court shall treat the same as a nullity. Once with the consent of the petitioner who was signatory to the application filed his own affidavit in support of the compromise petition then later on he cannot wriggle out from the same by saying that compromise order was passed by playing fraud or was not lawful."

In addition to the above, reference has also been made to other parties, having raised objections on the same issue before the executing Court. This demonstrates a planned strategy to undermine the process of enforcement of declared rights.

In view of the above, we consider it just and appropriate to dismiss this petition with costs. The same is accordingly dismissed with costs, quantified as Rs.10,000/-(Rupees Ten thousand only), to be deposited with the Supreme Court Mediation Centre,

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within four weeks from today, failing which the Registry is directed to re-list the matter for recovery of costs.

(Renuka Sadana)
Court Master

(Parveen Kumar)
AR-cum-PS