

dITEM NO.6F

COURT NO.6

SECTION IVB

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 (Civil) No(s).27941/2010

(From the judgement and order dated 29/07/2010 in CR No. 2273/2009  
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

VEER KAUR

Petitioner(s)

VERSUS

HARBHAJAN KAUR & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim  
relief ))

Date: 30/09/2010 This Petition was called on for mentioning today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Sachin Jain, Adv.for  
Dr. Kailash Chand,Adv.

For Respondent(s) Mr. Rajat Sharma, Adv.for  
Dr. (Mrs.) Vipin Gupta,Adv.

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

Taken on Board.

Leave granted.

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)

Court Master

[signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

(Indu Satija)

Court Master

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.8501 OF 2010  
(Arising from SLP(C) No. 27941 of 2010)

Veer Kaur

..Appellant

versus

Harbhajan Kaur & Others

..Respondents

O R D E R

Taken on Board.

Since, respondents are represented, we deem it appropriate to dispose of this matter finally.

Leave granted.

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 29th July, 2010 of the High Court of Punjab & Haryana at Chandigarh in CR No. 2273 of 2009.

The facts have been set out in the impugned judgment and hence we are not repeating the same here.

It appears that a decree was passed by the Lok Adalat on 07th March, 2009 on the basis of an alleged compromise between the parties. Against the decree passed

by the Lok Adalat, the respondents herein filed a civil revision before the High Court which has been allowed by the High Court on the ground that there was a fraud in obtaining the decree from the Lok Adalat. Hence, this appeal.

In our opinion, if a party wants to allege that CIVIL APPEAL arising from SLP(C) No. 27941 of 2010)

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there was a fraud in obtaining the decree, he cannot file a civil revision. He should approach the very same Court under the proviso to Order XXIII Rule 3 read with Rule 3A, CPC.

Accordingly, this appeal is allowed, impugned judgment of the High Court is set aside with liberty to the respondents to approach the Lok Adalat for setting aside the decree on the ground that it was obtained by fraud. No costs.

.....J.  
[MARKANDEY KATJU]

NEW DELHI;  
SEPTEMBER 30, 2010

.....J.  
[T.S. THAKUR]