

THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on : 23.07.2026

Order pronounced on : 31.07.2026

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

CRP.No.2356 of 2024
& CMP.No.12346 of 2024

Subramanian

.. Petitioner

Vs.

1.Dhanalakshmi
2.Manickam
3.Tamil Selvi
4.Chithra @ Seetha
5.Rajeswari
6.Pichai
7.Krishnan

.. Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the award passed by the Lok-Adalat Committee dated 09.03.2019 in O.S.No.173 of 2016 on the file of the Principal District Munsif Court, Perambalur.

For Petitioner : Mr.S.Mohan

For Respondents : Mr.G.Ilamurugu for R1
Mr.M.Raghul for RR2 to 4
Mr.Avinash Wadhwani for RR5 to 7



ORDER

WEB COPY The 5th defendant in O.S.No.173 of 2016 before the Principal District Munsif Court, Perambalur, is the revision petitioner, challenging the Lok Adalat award dated 09.03.2019, disposing of the said suit behind the back of the revision petitioner.

2.I have heard Mr.S.Mohan, learned counsel for the revision petitioner and Mr.G.Ilamurugu, learned counsel for the 1st respondent, Mr.M.Raghul, learned counsel for the respondents 2 to 4 and Mr.Avinash Wadhwani, learned counsel for the respondents 5 to 7.

3.Mr.S.Mohan, learned counsel for the revision petitioner would contend that even though the petitioner was set ex-parte in the suit, he was not given any prior notice of the matter being referred to the Lok Adalat and in the absence of the Court also dispensing with his presence, on account of he being set ex-parte in the suit, the award was clearly vitiated and no binding on him. In this regard, he relies on the decision of this Court in *P.Suyambu Anantham and others Vs. Sadana Gnana Selvi and others*, reported in 2019 (1) CTC 166; the decision of the Hon'ble Supreme Court in *Arunima Baruah Vs. Union of India*, reported in (2007) 6 SCC 120; the Division Bench judgment of the Andhra Pradesh at Amaravati High Court in *B.Srinath Reddy Vs. District Legal Service Authority, Kadapa, represented by its Secretary, Kadapa District and others*, reported in



2019 SCC Online AP 250 and the decision of the Karnataka High Court in *Kishan Rao and others Vs. Bidar District Legal Services Authority and others*, reported in AIR 2001 Kant 407.

4.Per contra, Mr.Avinash Wadhwani, learned counsel appearing for the respondents 5 to 7 would state that if this Court is satisfied that the procedure contemplated before recording the settlement in the Lok Adalat has not been complied with, then he has no serious objection for an opportunity being given to the petitioner to contest the suit on merits. However, he would pray for a direction for expeditious disposal of the suit.

5.Mr.G.Ilamurugu, learned counsel for the 1st respondent would state that the petitioner was not only set ex-parte, but his attempts to have the ex-parte decree to be set aside were also unsuccessful and in such circumstances, he cannot have an audience. He would also rely on the decision of the Hon'ble Supreme Court in *Ramjas Foundation and another Vs. Union of India and others*, reported in (2010) 14 SCC 38.

6.I have heard Mr.M.Raghul, learned counsel for the respondents 2 to 4.

7.I have gone through the records and also the various decisions that have been relied on by the learned counsel for the parties.

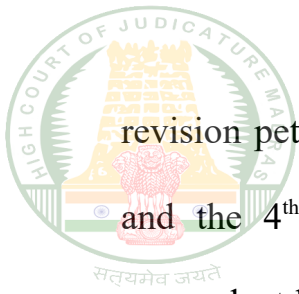


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8. It is an admitted fact that the petitioner was the 5th defendant in the suit. The petitioner had been set ex-parte and pending the suit as between the plaintiff and the other defendants, the parties were referred to the Lok Adalat and on 09.03.2019, an award came to be passed. According to the revision petitioner, the award was not only passed behind the back of the petitioner, but under the guise of the award, right has been conferred on persons who have no right or title in the suit properties. It is also the contention of the petitioner that he has purchased the suit properties by way of registered sale deed dated 27.05.2017 from the defendants 1 to 3 for valuable sale consideration and that he has been put in possession and has been in enjoyment of the suit property ever since.

9. The 1st respondent and the 5th respondent herein, taking advantage of the Lok Adalat award, attempted to interfere with the enjoyment of the suit property. The petitioner took out an application in I.A.No.1 of 2019, seeking to set aside the award. The said application was dismissed as not maintainable and thereafter, the present revision has been filed to set aside the award passed before the Lok Adalat.

10. Though it is vehemently contended by the learned counsel for the 1st respondent that the revision petitioner is only claiming under defendants 1 to 3, who also remained ex-parte in the suit and did not choose to contest the petitioner's claim and the



revision petitioner cannot have any say in the settlement reached between the plaintiff and the 4th defendant before the Lok Adalat and the learned counsel for the 1st respondent has also attacked the bonafides of the revision petitioner, the short point that arises for consideration is as to the binding nature of the award passed by the Lok Adalat Committee in the absence of all parties to the lis.

11.The Hon'ble Supreme Court in *Ramjas Foundation's case*, held that when a person does not come to Court with clean hands and suppresses material facts, then he is not entitled to be heard on merits, leave alone being entitled to any relief. However, that was a case where the matter arose under the Land Acquisition Act and there was clear suppression of number of cases filed by the 1st appellant, before the Hon'ble Supreme Court and also the factum of possession itself being taken over by the Land Acquisition Collector and subsequently being transferred to the Delhi Development Authority as well. I am presently concerned only with the validity of the Lok Adalat award in the absence of the parties to the suit. It is always open to the 1st respondent to raise all his objections on the merits of the claim, including the bonafides or lack of it of the revision petitioner, during the trial of the suit.

12.In *P.Suyambu Anantham's case*, this Court specifically held that Section 20 of the Legal Services Authorities Act, 1987, refers to the expression "parties" which would include even those who have been set ex-parte already. It is trite law that an award can

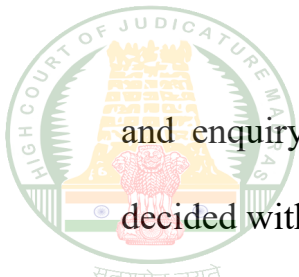


be passed before the Lok Adalat, only on the basis of the consent and settlement reached between all the parties. If any or some of the parties are left out, then it would only result in an incurable defect.

13. In *B. Srinatha Reddy's case*, the Division Bench of the Andhra Pradesh at Amaravati High Court also held that when the Lok Adalat award was passed in the absence of a party to the suit, who had been set ex-parte and without any notice being issued to him by the Lok Adalat Committee, then the award was invalid in the eye of law.

14. Admittedly, in the present case, the petitioner was not put on notice about the matter being referred to the Lok Adalat. Further, the Court, at the time of referring the parties to the Lok Adalat, also did not dispense with notice to the revision petitioner. In such view of the matter, the award passed behind the back of the petitioner is clearly unsustainable. The petitioner is therefore entitled to succeed.

15. In fine, the Civil Revision Petition is allowed and the award dated 09.03.2019 in O.S.No.173 of 2016 on the file of the Principal District Munsif Court, Perambalur, is set aside. The trial Court shall endeavor to expedite trial in the suit and dispose of the same, on merits and in accordance with law, on or before 30.04.2027. The application for condonation of delay and setting aside the ex-parte decree shall be restored to file



and enquiry shall be conducted in condone delay application and the same shall be decided within a period of four weeks. No costs. Connected Civil Miscellaneous Petition is closed.

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31.07.2026

Neutral Citation Case : Yes / No

Speaking / Non-speaking order

Index : Yes/No

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To

The Principal District Munsif Court, Perambalur.



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P.B.BALAJI.J,

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Pre-delivery order made in
CRP.No.2356 of 2024
& CMP.No.12346 of 2024

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