

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937

RPFC.NO. 496 OF 2014 ()

**AGAINST THE ORDER IN MC 297/2012 OF FAMILY COURT, THIRUVANANTHAPURAM DATED
22-05-2014**

REVISION PETITIONER(S)/COUNTER PETITIONER:

**MITHUN, AGED 32 YEARS,
S/O.V.GOPINATHAN, PLOT NO.8, DOOR NO.1,
3RD CROSS STREET, PALANIYAPPA NAGAR, GOWRIVAKKAM, CHENNAI.**

**BY ADVS.SRI.SUMAN CHAKRAVARTHY
SMT.BREJITHA UNNIKRIISHNAN**

RESPONDENT(S)/PETITIONER:

**GREESHMA S. AJAYAN, AGED 26 YEARS,
D/O.V.S.AJAYAKUMAR, GREESHMAM, KAMUKINCODE,
THIRUVANANTHAPURAM, NOW AT MUKKAMPLAMOODU, MUNGODE,
THIRUVANANTHAPURAM-695001.**

**THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON
20-05-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

OKB

K.HARILAL, J.

R.P(FC). No.496 of 2014

Dated this the 20th day of May, 2015.

O R D E R

1.The revision petitioner is the counter petitioner in M.C. No.297/2012 on the files of the Family Court, Thiruvananthapuram. The above M.C. was filed by the respondent herein, who is the wife of the petitioner, seeking maintenance allowance under Section 125 of the Code of Criminal Procedure. The matter was referred to Lok Adalat under Section 19 of the Legal Services Authorities Act (Act 39 of 1987) on 3/5/2014. The Lok Adalat proceedings were recorded stating that the petitioner agreed to pay Rs.7,000/- per month towards maintenance of the respondent. The arrear maintenance from 2/1/2012 till April 2014 was also mutually settled at Rs.1,75,000/- and agreed to pay in six instalments of Rs.30,000/- each. Now the grievance of the petitioner is that such a

settlement was drawn on compulsion without giving him sufficient opportunity to consult with his lawyer. Aggrieved by the said cause, though the petitioner had filed C.M.P. No.168/2014 praying that the award of the Lok Adalat may be recalled and evidence may be taken in the case, the court below without considering the contentions raised in the said C.M.P. passed the impugned order under challenge accepting the award passed by the Lok Adalat.

2. Heard the learned counsel for the revision petitioner.
3. The learned counsel advanced arguments challenging the proceedings adopted by the court below by not considering the contentions raised in C.M.P.No.168/2014. He further submits that the settlement shown in the award had been drawn on

compulsion without giving the petitioner sufficient opportunity to consult with his lawyer and also urged for granting further opportunity to contest M.C. on merits.

4. The short question that arises for consideration is whether there is any illegality or impropriety in the impugned order by which the court below accepted the award passed by the Lok Adalat, without considering C.M.P.No.168/2014 filed by the petitioner challenging the said award.

5. Going by the award passed by the Lok Adalat it is seen that there is a specific endorsement at the bottom of the award stating that the dispute between the parties, being subject matter of the case, came before the Lok Adalat in the presence of the parties and their counsel, and after a full and frank discussion of all issues factual and legal

arising from the cause, the parties had agreed before the Members of the Adalat that there shall be an award/decreed in terms of settlement thereto made and the parties and their counsel therein having in acceptance of the same signed the agreement in the presence of the Members and a decree is passed accordingly.

6. According to Section 20(1) of the Legal Services Authorities Act, 1987, every award of the Lok Adalat shall be deemed to be a decree of the civil court or as the case may be or of any other court. Therefore, the award passed in Lok Adalat shall be deemed to be a decree. That apart, according to sub-section 20, every award made by a Lok Adalat shall be final and no appeal shall lie to any court against an award passed by a Lok Adalat. In that view of the matter the court below can be justified in not considering the C.M.P. which was filed after passing the decree.

There is no illegality or impropriety in the impugned order under challenge.

7. The learned counsel further submits that the petitioner's counsel has not signed the terms of settlement; so the award could not have been passed by the Adalat and the court below ought not have accepted the award for that reason. In the award it is seen that the counsel appearing for the petitioner has not signed the award, though the petitioner had signed it. I am of the view that the signature of the counsel is not a mandatory requirement to pass an award when both parties voluntarily agreed with the terms of settlement arrived at, in the Adalat and they signed it in the presence of Judicial Officer and other members of the Adalat. The requirement of the counsel's signature is a formality that can be dispensed with. Therefore, an award passed in the Lok Adalat cannot be disowned on the reason that the

counsel has not signed the terms of settlement.
Needless to say, the petitioner is at liberty to seek
other remedies, if any.

This revision petition is devoid of merits and the
R.P(FC) dismissed accordingly.

Sd/-
K. HARILAL, JUDGE

okb.