

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

C. R. P. No.3611 of 2014

ORDER:

This Civil Revision Petition is filed challenging the order dt.19.10.2013 of the Lok Adalat Bench at Khammam constituted by the District Legal Services Authority, Khammam under Section 19 of the Legal Services Authorities Act, 1987.

2. A suit i.e., O.S.No.19 of 2006 had been filed by the 1st respondent before the Special District Judge, Family Court-cum-Additional District Judge at Khammam against the petitioner and other respondents for partition of the plaint schedule properties into four equal shares and for allotment of a ½ share from and out of one such share to the 1st respondent.

3. In the application filed under Order 23 Rule 3 CPC before Special District Judge, Family Court-cum-Additional District Judge, Khammam seeking recording of the terms of the compromise, the signatures of the parties to the suit are shown and photos of the parties except that of the 5th defendant were affixed. The matter appears to have been then referred to above Lok Adalat Bench at the instance of the parties and an award dt.19.10.2013 was passed allocating the properties to the parties of the suit.

4. The petitioner in the Revision is the 5th defendant in the above suit. He contends that the signature in the terms of compromise mentioned in the I.A. filed under Order 23 Rule 3 CPC filed before the Special Judge is not his signature, that his photograph is also not affixed in the terms of compromise mentioned in the said I.A., and so the award does not bind him. He contends that he has not attended the Court and did not sign any document and also did not affix his photo on the said I.A. and that the 1st respondent and other respondents colluded with each other, mislead the Court and the Lok Adalat to make it appear as if the petitioner also accepted the terms of compromise and secured the award without his knowledge and consent. He alleged that he came to know about the award on 22.08.2014 and then secured the certified copies of Lok Adalat award and decree. He further alleged that the 1st respondent and other respondents colluded with each other, got impersonated the petitioner, and thus cheated the Lok Adalat and got the award. He placed reliance on the judgment of the Supreme Court in ***State of Punjab and another v. Jalour Singh and others***^[1] whereunder it was held that a party intending to challenge an award passed under the provisions of the Legal Services Authority Act, 1987 can do so either by filing a petition under Article 226 or 227 of

the Constitution of India, although on very limited grounds.

5. Counsel for the respondents 1 to 4 and 6, however, disputes these allegations and contends that it was the petitioner who signed the I.A., terms of compromise contained in the application filed before the Special Judge under Order 23 Rule 3 CPC and that the contention of the petitioner that he did not appear either before the Court or before the Lok Adalat, is not true. He, however, does not dispute the fact that the photograph of the petitioner has not been fixed to the terms of compromise contained to the I.A. filed under Order 23 Rule 3 CPC.

6. The award in question has been passed on 19.10.2013, more than 1 ½ years back. The question whether the petitioner in fact appeared before the Court and the Lok Adalat and signed the compromise memo or not, is a question of fact and it would require evidence. The assertion of the petitioner is that he never appeared before the Court or Lok Adalat and did not sign terms of compromise contained in the I.A. under Order 23 Rule 3 CPC allegedly by all the parties.

7. Since the photograph of the petitioner is not found on the compromise memo contained in the I.A. filed under Order 23 Rule 3 CPC and no reason is assigned why only his photograph is missing, while the photographs of the other parties are affixed on it, and the signature of

petitioner on the vakalat filed in this CRP is dissimilar to the signature purporting to be his on the compromise memo, there is a possibility that he did not sign it and his signature was forged. There is undoubtedly a possibility that the petitioner might have been impersonated, although it is difficult to say conclusively that such a thing has actually happened in the absence of evidence.

8. In this view of the matter, since it is doubtful whether the petitioner did sign in the compromise contained in the I.A. filed under Order 23 Rule 3 CPC in the Suit O.S.No.19 of 2006, this Court is of the opinion that it is a fit case where it should be declared that the award of the Lok Adalat dt.19.10.2013 in L.A.Case No.467 of 2013 in O.S.No.19 of 2006 on the file of the Special District Judge, Family Court-cum-Additional District Judge at Khammam is not binding on the petitioner. It is declared accordingly.

9. So, this Civil Revision Petition is allowed to this limited extent. There shall be no order as to costs.

10. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

14th July, 2015.

gra

[\[1\]](#) 2008(2) SCC 660