

**HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A. SHANKAR
NARAYANA**

WRIT PETITION No.10761 OF 2015

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ORDER: (Per Hon'ble Sri Justice A. Shankar Narayana)

In the instant writ petition, petitioner sought the relief of *Certiorari* seeking to review the award, dated 08-07-2013, passed by the Lok Adalath in Case No.279 of 2013 arising out of the suit in

O.S. No.158 of 2012 on the file of VII Additional District Judge, Medak at Sanga Reddy, and to set aside the same with a

further direction to the learned District Judge to take up the suit for trial.

2. Adverting to the facts in nutshell, the petitioner viz.,

Jamal Kishan Lal filed the above suit against respondent No.3 viz., Mohd. Sayeed and two others viz., Abdul Rasheed and U. Padma Bai, respectively, making them as defendant Nos.1 to 3, respectively, therein seeking to declare the sale deed, dated 30-06-1992, said to have executed by him in favour of Padma Bai concerning Acs.4-17 guntas of land in Survey No.53/A & B of Kothur Patti Digwal Village, Koheer Mandal, Medak District, as

null and void and to cancel the same and for mandatory injunction directing

Mohd. Sayeed to remove the existing structures with gate. While the matter stood thus, the suit was referred to Lok Adalath, Sanga Reddy.

The Lok Adalath, in view of the compromise entered into by the petitioner with respondent No.3 (Mohd. Sayeed), passed the award impugned herein on 08-07-2013 under Section 19 of the Legal Services Authorities Act, 1987.

3. The petitioner, contending that at the intervention of elders and the pressure created by respondent No.3, he (Jamal Kishan Lal) yielded to the compromise as respondent No.3 promised to give Rs.20.00 lakhs in *lump sum*, out of which Rs.12.00 lakhs in cash and Rs.8.00 lakhs by way of cheque payable in three (3) months and also to pay another sum of Rs.3.00 lakhs towards expenses. When they filed a compromise petition before the VII Additional District Judge, Sanga Reddy, the suit was referred to Lok Adalat for recording compromise and at 3-00 p.m. on that day, the matter was called before the Lok Adalath. While recording the compromise, he got confused in payment of amount and signed in the award. Subsequently, compromise was recorded without referring to the balance amount of Rs.8.00 lakhs, which was promised to be paid by respondent No.3 by way of cheque and Rs.3.00 lakhs in cash towards legal

expenses.

On this ground, the petitioner sought to set aside the award, dated

08-07-2013, passed by the Lok Adalath, Sanga Reddy.

4. It is his submission that since fraud was played by respondent No.3 at the time of compromise being recorded by the

Lok Adalath, Sanga Reddy, with regard to Rs.8.00 lakhs in cheque and Rs.3.00 lakhs in cash towards expenses to be paid by respondent No.3 could not be mentioned in the Lok Adalath award and on that ground, sought to set aside the award and to direct the learned

VII Additional District Judge, Sanga Reddy to take up trial of the suit.

5. Heard Sri K.K. Chakravarthy, learned counsel for the petitioner, and Sri V. Ramakrishna Reddy, learned counsel for respondent No.3.

6. We have perused copy of the award passed by the

Lok Adalath and the other material on record.

7. The learned counsel for the petitioner contends that respondent No.3 passed a receipt for an amount of Rs.8.00 lakhs towards balance amount. It is not in dispute that the petitioner was actually present before the Lok

Adalath and represented the matter along with respondent No.3, who was defendant No.1 in the suit, and even not insisted the suit claim against defendant Nos.2 and 3 therein. Though, fraud is pleaded, which ground alone constitutes basis for seeking the relief in the instant writ petition, we are of the considered view, that the said aspect cannot be probed into in the instant writ petition. Thus, we do not find any merit in the writ petition.

8. The Writ Petition is, therefore, dismissed. However, it is open to the petitioner to avail appropriate remedy for redressal of his grievance before the appropriate forum, if he so chooses. There shall be no order as to costs.

9. As a sequel thereto, Miscellaneous Petitions, if any, pending in the writ petition stand disposed of.

**R. SUBHASH
REDDY, J**

A. SHANKAR NARAYANA, J

July 13, 2015.
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