

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

WRIT PETITION No.27111 of 2015

ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

The petitioner has filed this writ petition challenging the Award dated 10.05.2013 in L.A.C.No.89 of 2013 in M.C.No.56 of 2012 passed by the 1st respondent-Lok Adalat Chairman-cum-Junior Civil Judge, Mandal Legal Services Committee, Macherla, Guntur District.

2. The 2nd respondent-wife has filed a petition being M.C.No.56 of 2012 on the file of the Junior Civil Judge, Macherla, under Section 125 Cr.P.C., against the petitioner-husband for grant of maintenance of Rs.20,000/- per month and at the request of the parties, the matter was referred to Lok Adalat. When the matter was listed on 10.05.2013, a Memorandum of Compromise was filed before the Lok Adalat, as per which the petitioner-husband has agreed to pay an amount of Rs.10,000/- per month to the 2nd respondent-wife for a period of four years and also agreed to pay an amount of Rs.5,00,000/- from his retrial benefits, in lumpsum, at the time of his retirement. Based on the said Memorandum of Compromise, the 1st respondent-Lok Adalat has passed the impugned Award dated 10.05.2013, to which the petitioner and the 2nd respondent and also their Advocates

are signatories. Challenging the said Award, the present writ petition is filed.

3. Learned counsel for the petitioner contends that the contents of the Award were not mentioned when the Award was passed by the Lok Adalat and it was shown as blank. The learned counsel would further submit that the petitioner was made to sign on the Award before the Lok Adalat by force and coercion.

4. Having heard learned counsel for the petitioner, we have perused the petition in M.C.No.56 of 2012 filed by the respondent-wife and also the impugned Award dated 10.5.2013 along with the Memorandum of Compromise.

5. In M.C.No.56 of 2012, it is the allegation of the 2nd respondent-wife that the petitioner has married her on 15.05.2007 as per the Hindu Caste customs and rights in Anjaneya Swamy Temple, Srisailam Road, Macherla, and has neglected for her maintenance. Pleading that the petitioner was working as Central Excise Superintendent and drawing a salary of Rs.70,000/- per month and also getting an income of Rs.6,00,000/- per annum from his immovable properties, the 2nd respondent has prayed for grant of Rs.20,000/- per month towards her maintenance.

6. A perusal of the Award dated 10.05.2013 shows that it is annexed by the Memorandum of Compromise, which was drafted in telugu language, signed by both the parties along with their advocates, and the same is accepted by the Lok

Adalat. Therefore, it cannot be said that the said Memorandum of Compromise is not part of the Award. With regard to the other allegation that the petitioner was made to sign the Award by force and coercion, it is not possible for this Court to examine such factual disputes. If really the petitioner was forced to sign the Award by threat and coercion, it is for him to prove the same before the competent Court, but such factual disputes cannot be resolved in a writ petition filed under Article 226 of the Constitution of India. Further more, though the Award was passed as early as on 10.05.2013, challenging the same, the present writ petition is filed on 21.08.2015 i.e., after a lapse of more than two years.

7. For the aforesaid reasons, this writ petition is devoid of merits and is accordingly dismissed, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

26.08.2015.

Msr

HON'BLE SRI JUSTICE R.SUBHASH REDDY
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