

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO**

WRIT PETITION No.5342 of 2016

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ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The grievance of the petitioner in this case is with regard to the docket order dated 09.10.2015, whereby the Lok Adalat, City Civil Court, Secunderabad, recorded that despite an attempt at negotiating a settlement, both parties were not agreeable and accordingly returned O.P.Nos.1 and 2 of 2005 to the regular Court for adjudication. The ground for challenge is that this docket order is not in compliance with the Division Bench order dated 09.09.2011 passed in W.P.Nos.5615 and 5863 of 2008.

Perusal of the afore-stated order reflects that the Division Bench set aside the Lok Adalat awards passed in O.P.Nos.1 and 2 of 2005, recording findings that a fraud was played upon the authorities of the South Central Railway by the subordinates which would taint the consent given by such authorities before the Lok Adalat. Having set aside the awards passed in the O.Ps., the Division Bench also set aside the orders passed by the Lok Adalat in I.A.Nos.1062 and 1067 in O.P.Nos.1 and 2 of 2005 respectively and required the Lok Adalat to consider the said I.As. afresh. As the said I.As. were filed by the South Central Railway alleging fraud in securing the awards passed in the O.Ps. and as the said awards had already been set aside by the Division Bench, the question of re-examining the said I.As. did not arise. In any event, as the Division Bench directed the Lok Adalat to determine as to whether there was a possibility of negotiation so as to

pass a consent award and as the present docket order under challenge reflects that after attempting such negotiation, the Lok Adalat was of the opinion that a compromise was not possible between the parties, we find no error in the docket order warranting interference. Needless to state, no party to a litigation can be forced to compromise the matter before the Lok Adalat if it is unwilling. The O.Ps. which have been now remitted to the regular Court for adjudication shall be decided by the Court concerned uninfluenced by any observations on merits made by this Court in the common order dated 09.09.2011 passed in W.P.Nos.5615 and 5863 of 2008. Given the delay owing to this litigation, the O.Ps. shall be disposed of as expeditiously as possible in accordance with law.

The writ petition is accordingly disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**SANJAY
KUMAR, J**

**Dr. B. SIVA
SANKARA RAO, J**

Date:04.07.2016

GJ