

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO
AND**

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No. 8950 OF 2016

ORDER : *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

The petitioner, claiming to be the wife of Sri Mashetty @ Itikala Narsaiah, S/o Veera Swamy, files the present Writ Petition for declaring the Award passed in M.C.No. 13 of 2012 on 05.05.2012 by the Lok Adalat, as illegal.

We gather from the Award passed on 05.05.2012 in M.C.No. 13 of 2012 by the Lok Adalat at Bhadrachalam that one Smt. Mashetty @ Itikala Ramachandramma claimed the status of a wife having been married by the respondent therein, namely Sri Mashetty @ Itikala Narsaiah, S/o Veera Swamy, working as a Carpenter in Singareni Collieries Company Limited, Manugur, Khammam District. Both the parties appeared before the Lok Adalat and settled their *inter se* dispute amicably. The petitioner in that M.C.No. 13 of 2012 has agreed to receive a monthly maintenance amount of Rs.4,000/- from the respondent therein. The respondent has signed the proceedings, while the petitioner therein, namely Smt. Ramachandramma affixed her right hand thumb impression, being obviously an illiterate person. The counsel for the petitioner also signed it and the Members of the Lok Adalat Bench also signed the proceedings.

Now the claim of the petitioner herein is that she is the legally-wedded wife of Sri Narsaiah and Smt. Ramachandramma, the petitioner in M.C.No. 13 of 2012, was an imposter. According to the petitioner, Smt. Ramachandramma is not the wife of Sri Narsaiah. On that basis, the present Writ Petition is instituted.

When Sri Mashetty @ Itikala Narsaiah appeared before the Lok Adalat and did not deny or dispute his relationship with the petitioner therein, namely Smt. Mashetty @ Itikala Ramachandramma as a wife and also agreed to pay her monthly maintenance of Rs.4,000/-, we cannot countenance the contention canvassed by the petitioner herein. If she has any subsisting grievance against the said Mashetty @ Itikala Narsaiah and Smt. Ramachandramma, the petitioner has to institute a civil suit impleading them both to the said suit and seek for an appropriate declaration in which event, the Court, upon careful analysis of the evidence, would declare between the two, namely the petitioner herein Smt. Tirupatamma and the 2nd respondent herein Smt. Ramachandramma, who is the legally-wedded wife of Sri Narsaiah. The petitioner cannot seek to upset an Award passed by the Lok Adalat by instituting this Writ Petition.

Hence, we dismiss this Writ Petition at the admission stage, preserving liberty to the petitioner herein to approach the Court of competent civil jurisdiction and seek a declaration, duly impleading Sri Narsaiah with whom she claims the status as his wife and also impleading Smt. Ramachandramma to the said suit, so that she can also contest and establish her own status vis-à-vis Sri Narsaiah. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

DR. B. SIVA SANKARA RAO, J

18th March 2016

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