

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 23577 OF 2016

DATED 28TH JULY, 2016

Between:

Apparaju Karthik and others ... Petitioners

AND

Telangana State Legal Services Authority,
Rep. by its Member Secretary,
High Court Building, High Court,
Hyderabad, and another ... Respondents

Counsel for the petitioners : Sri P.Ravi Kiran

Counsel for the respondents : Standing Counsel for A.P.High
Court

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This is a rather unfortunate case, where the Principal District Judge, Karimnagar, who is also the Chairman of the District Legal Services Authority, Karimnagar, appears to have abdicated his function, by not recording the compromise among the parties to O.S.No. 80 of 2014.

2. It is the pleaded case of the petitioners that petitioner No. 3 filed O.S.No. 80 of 2014 on the file of the Court of I Additional District Judge, Karimnagar, for specific performance of contract against petitioner Nos. 1 and 2. They have further pleaded that after filing of the written statement, both the plaintiff and the defendants have compromised and, accordingly, they filed a compromise memo, based on which the matter was referred to the District

3. The grievance of the petitioners is that though the matter has been pending for quite sometime before the Legal Services Authority, a compromise award is not being passed by the said authority on the ground that the counsel for the parties are not appearing before the Lok Adalat. Frustrated by the non-cooperation of their lawyers and the indifference being exhibited by the Chairman of the District Legal Services Authority, the petitioners filed a memo on 05-01-2016 before the District Judge and the Chairman, District Legal Services Authority, Karimnagar, wherein they have *inter alia* stated that the advocates are not allowing the matter to be referred to Lok Adalat for recording compromise and the Legal Services Authority may allow them to get the matter compromised without insisting on the signatures of the advocates on record. As even this representation has not moved respondent No. 2, the petitioners have filed this Writ Petition.

4. On 19-07-2016, Sri J.Anil Kumar, learned standing counsel for the High Court, has taken time for instructions. Today, at the hearing, he has submitted that under the National Legal Services Authority (Lok Adalats) Regulations, 2009 (for short, 'the Regulations'), wherever the parties are represented by counsel, they should be required to sign the settlement or award before the members of the Lok Adalat and affix their signatures. In support of his submission, he has placed reliance on Regulation 17 (2) of the Regulations.

5. While it is true that the said regulation requires that the counsel, representing the parties, should also sign the settlement or award, respondent No. 2 appeared to have completely lost sight Sub-Regulation (4) of Regulation 17 which reads as under:

"Where the parties are not accompanied or represented by counsel, the members of the Lok Adalat shall also verify the identity of parties, before recording the settlement."

The above reproduced Sub-Regulation makes it clear that even where parties have engaged lawyers, if such lawyers have not accompanied the parties, the members of the Lok Adalat shall verify the identity of the parties before recording the settlement. We are unable to understand as to why respondent No. 2 has not acted in accordance with this regulation and passed a compromise award after verifying the identity of the parties even in the absence of their counsel. The indifference, shown by respondent No. 2, needlessly kept the dispute pending and drove the parties to file this Writ Petition.

6. In the light of the above facts, respondent No. 2 is directed to forthwith pass a compromise award after duly identifying the parties to the compromise. The Secretaries, Legal Services Authorities, of both the States are directed to issue an appropriate circular in terms of Regulation 17 (4) of the Regulations to avoid recurrence of cases of this nature in future.

7. The Writ Petition, accordingly, stands disposed of.

8. As a sequel to disposal of the Writ Petition, W.P.M.P.No. 29052 of 2016 shall stand closed as infructuous.

C.V.NAGARJUNA REDDY, J.

G.SHYAM PRASAD,

J.

Date: 28-07-2016.

JSK

Note:

Registry shall send copies of this order to the

Telangana
Authorities.

Member Secretaries of A.P. and
State Legal Services

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

W.P.No. 23577 OF 2016

(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V.Nagarjuna Reddy)

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DATED 28TH JULY, 2016

JSK