



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 09.01.2017

CORAM:

WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P (MD) (NPD) No.26 of 2017

and

C.M.P (MD) No.106 of 2017

Krishnammmal,
Rep. By her Son
M.Chellappan.

.. Revision Petitioner/Respondent/
Respondent

-vs-

State Bank of India,
Thanjavur Main Road,
Rep.by its Branch Manager

.. Respondent/Petitioner/Petitioner

PRAYER:- Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, to set-aside the Fair and Decreetal order, 23.09.2016 by the learned Principal Sub Court, Thanjavur made in E.P.No.186 of 2013 in L.A.Case.No. 4 of 2011.

For Petitioner : Mr. R.Rajaraman

ORDER

The revision petitioner has filed the above Civil Revision Petition against the fair and decreetal order, dated 23.09.2016 made in E.P.No.186 of 2013 in L.A.Case.No.4 of 2011 by the Principal Sub Court, Thanjavur.

2.The petitioner is the respondent in E.P.No.186 of 2013 in Lok Adalat Case No.4 of 2011 on the file of the Principal Sub Court, Thanjavur. The respondent is the State Bank of India and the claim was made before the Lok Adalat.

3.According to the respondent, the petitioner's son-M.Chellappan represented for the petitioner in Lok Adalat and consented for compromise. Subsequently, the petitioner did not pay the amount. Therefore, the respondent has filed Execution Petition in E.P.No.186 of 2013 in Lok Adalat Case No.4 of 2011 on the file of the Principal Sub Court, Thanjavur, for attachment of sale of the immovable property belonging to the petitioner by public auction to release the amount awarded as per the compromise by the



Lok Adalat.

4.The petitioner filed counter-affidavit and submitted that the petitioner did not participate in the Lok Adalat and she has not authorised her son to represent her in Lok Adalat. The Lok Adalat cannot pass any award without participation and consent by the parties concerned and prayed for dismissal of the application.

5.The learned Judge considering all the averments held that the petitioner cannot challenge the Lok Adalat award in the Execution Court and the Execution Court cannot decide whether the petitioner authorised her son to represent her in Lok Adalat or not and allowed the Execution Petition and ordered attachment of petition mentioned property by 03.11.2016. Against the said order, the present Civil Revision Petition has been filed.

6.The learned counsel for the petitioner raised grounds on the same line as the averments made in the counter-affidavit and further submitted that the learned Judge, without properly following the procedure, has erroneously ordered attachment of immovable property and prayed for allowing the Civil Revision Petition.

7.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

8.The petitioner is challenging the maintainability of the Execution Petition on the ground that she did not participate in the Lok Adalat and she did not give any consent for her son to represent her in the Lok Adalat proceedings. The learned Judge rejected the application on the ground that the petitioner cannot challenge the award in the Execution Court and the Execution Court cannot go beyond the award passed. The Execution Court cannot decide the dispute raised by the petitioner in the Execution Petition. In the circumstances, there is no error in the reasoning given by the learned Judge, which is impugned in the Civil Revision Petition. The learned Judge has not committed any error or irregularity, warranting interference of this Court. Hence, this Civil Revision Petition is liable to be dismissed.

9.Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (WRITS)

/True copy/



To
The Principal Sub Judge,
Thanjavur.

+1 CC to M/s.R.RAJARAMAN, Advocate, SR No. 1570

PS

PSM/MR-VB/02.02.2017/3P/3C

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