

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No. 24633 OF 2017

DATED 17TH AUGUST, 2017

Between:

S.Bharathi and others ... Petitioners

AND

Waheedunnisa Begum (died) and others Respondents

Counsel for the petitioners : Sri Krishna Devan

Counsel for respondent Nos. 1, 2, 4 & 6 : --

Counsel for respondent No. 3 : Sri K.V.Subrahmanya Narusu

Counsel for respondent No. 5 : Sri M.A.Mujeeb

THE COURT MADE THE FOLLOWING

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

The petitioners who are third parties to O.S.No. 1784 of 2002 on the file of the Court of I Senior Civil Judge, City Civil Court, Hyderabad, filed this Writ Petition feeling aggrieved by award dated 21-12-2002 passed by the Lok Adalat, City Civil Court, Hyderabad.

2. In the manner we propose to dispose of the Writ Petition, it is not necessary to record the facts in detail. It would suffice to note that aggrieved by the Lok Adalat Award, the petitioners, who claimed to be the tenants of Wakf Board, filed E.A.No. 247 of 2003 raising objections to the execution of the impugned award and that they have also filed E.A.No. 248 of 2003 seeking *interim* relief against the contesting respondents in whose favour the Lok Adalat Award was passed. In our opinion, having already availed a remedy which is efficacious, the petitioners cannot initiate parallel legal proceedings by filing the present Writ Petition.

3. Sri Krishna Devan, learned counsel for the petitioners, while not denying the fact that all the issues raised by his clients in this Writ Petition including the alleged fraud played by the contesting respondents on the Court have been raised before the execution Court and that the said Court has jurisdiction to decide all the issues, however, submitted that the execution Court has not been considering the *interim* relief claimed in E.A.No. 248 of 2003. In our opinion, the petitioners having already availed the remedy of filing objections before the execution Court, they are not remediless if the application filed by them for *interim* relief is not being disposed of by the execution Court. Mere non-disposal of the petitioners' application for *interim* relief would not entitle the petitioners to

avail the present remedy, more so as the issues raised in this Writ Petition cannot be adjudicated without considering oral and documentary evidence.

4. In this view of the matter, the Writ Petition is dismissed without prejudice to the right of the petitioners to pursue E.A.Nos. 247 and 248 of 2003 before the execution Court.

5. As a sequel to dismissal of the Writ Petition, *interim* order dated 28-01-2016 in W.P.M.P.No. 3715 of 2016 stands vacated and W.V.M.P.No. 1592 of 2016 and W.P.M.P.Nos. 30506 and 33827 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

GUDISEVA SHYAM PRASAD, J.

Date: 17-08-2017.

JSK

