

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE MS JUSTICE J.UMA DEVI

WRIT PETITION No.18780 of 2017

Date:15.6.2017

Between:

Chatti Hanumantha Rao,

S/o Chatti Srinivas

..... Petitioner

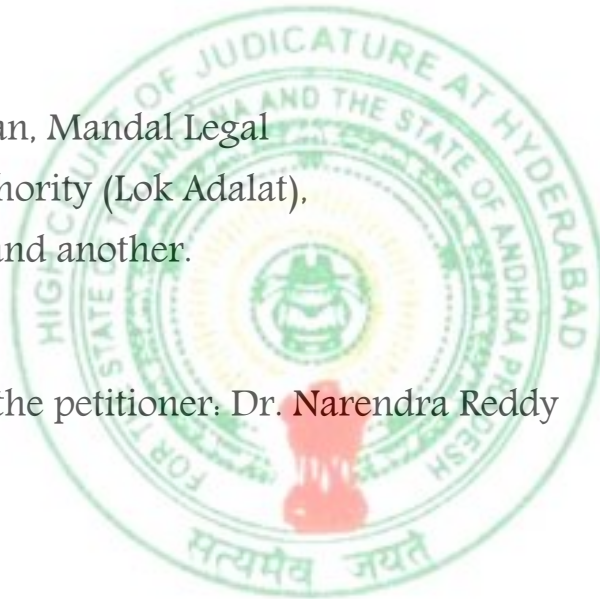
And:

The Chairman, Mandal Legal
Services Authority (Lok Adalat),

Prathipadu and another.

.....Respondents

Counsel for the petitioner: Dr. Narendra Reddy



The Court made the following:

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

This Writ Petition is filed for a *Mandamus* to set aside award, dated 06.12.2014, in L.A.C.No.327 of 2014 of respondent No.1 on the purported plea that the petitioner was not a party to the said award and the same was obtained behind his back.

We have heard Dr. Narendra Reddy, learned counsel for the petitioner and perused the record.

In his affidavit, the petitioner averred that respondent No.1 has passed the impugned award on 06.12.2014, wherein it is mentioned that the petitioner has paid a sum of Rs.10,000/- out of Rs.10,16,950/- and agreed to pay the rest of the amount within 45 days to respondent No.2. He further averred that the petitioner was neither aware of the proceedings that lead to the passing of the impugned award by respondent No.1 nor he has participated in the said proceedings before respondent No.1 and signed the compromise petition and the award and that, therefore, the alleged terms of compromise do not bind him. The petitioner further averred that a third party has signed for him in the Compromise Petition, based on which, the impugned award was passed by respondent No.1; that no whisper is made in the impugned award or the Compromise Petition as to the propriety and authority of the third party who signed for the

petitioner; that he has never authorised any third party, much less, the person who has signed for him to represent him either in the Compromise Petition or in the impugned award; and that therefore, the impugned award is not valid.

In para-7 of the affidavit, the petitioner has averred that respondent No.2 has filed E.P.No.22 of 2016 on the file of the learned III Additional District Judge, Kakinada and that, such an EP is not maintainable.

A perusal of a copy of E.P.No.22 of 2016, shows that it bears the date "15.3.2016" indicating that it was instituted on that date.

Dr. Narendra Reddy, the learned counsel for the petitioner, has submitted that on receipt of a copy of the E.P., his client has participated in the EP proceedings; that he has also filed a petition before the Execution Court raising all the objections that have been raised in the present Writ Petition; and that the execution Court has not considered the same and been proceeding with the E.P.

Though the petitioner claimed in the Writ Petition that he has filed a certified copy of the Lok Adalat award, he has not filed the same. However, the learned counsel for the petitioner has placed a certified copy of the Lok Adalat award before us. This copy does not contain the seal of respondent No.1 office,

indicating as to the date on which the same was applied by the petitioner.

A photocopy of the Lok Adalat award filed by the petitioner, however, reveals that he made an application for certified copy of the Lok Adalat award only on 25.4.2017 and filed the present Writ Petition one and half months later.

Learned counsel for the petitioner has conceded that his client has not got issued any legal notice to respondent No.2 on his coming to know about the passing of the Lok Adalat award.

The facts noted hereinbefore would show that the petitioner did not immediately respond on his coming know about the passing of the Lok Adalat award. On the contrary, he has participated in the EP proceedings in order to oppose the same.

Though the learned counsel for the petitioner has stated that the petitioner has raised objections before the execution Court on the executability of the Lok Adalat award, no material is placed in support of this submission.

Thus, in our opinion, this Writ Petition is a pure after thought. The questions whether the person who allegedly signed the Compromise Petition and the Lok Adalat award was duly authorised by the petitioner or not, or whether the Lok Adalat award is binding on the petitioner or not, fall within the realm of

the disputed questions of fact. Such disputes cannot be resolved in the Writ Petition by this Court in exercise of its writ jurisdiction. Though under the Legal Services Authority Act, 1987, the Lok Adalat awards are final, if such awards are obtained by fraud, the civil Court's jurisdiction is not barred. Therefore, if the Lok Adalat award was obtained by playing fraud on the petitioner, he is entitled to oppose the Execution Petition besides availing any other remedy available to him seeking invalidation of award.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.22902 of 2017 filed by the petitioner for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE J.UMA DEVI

15th June 2017

DR