



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Twenty Fifth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CMP(MD) No.6824 of 2018
IN
CRP(MD) No.SR27818 of 2018

TRICHY VENGAYAMANDI BARAM
SUMAKKUM THOZHILALAR MUNNETRA SANGAM
(REGISTRATION NO.1448/TRI/LPF) REP. BY ITS
GENERAL SECRETARY, NO.7, SUB JAIL ROAD,
MAYILAM TRICHY-8 ... PETITIONER/PETITIONER

Vs

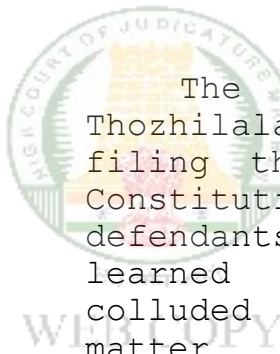
- 1 TRICHY MAVATTA SUMAI THOOKKUM
KOOLI THOZHILALARGAL SANGAM PRESIDENT S.
KANDHAN SEC.S.SARAVANAN O/O AT 41/3 DINDIGUL
MADURAI SERVICE RD. OLD PALPANNAI VARAGANERI
TRICHY-08
- 2 TIRUCHI ANAITHU AZHUGUM, PORUL
COMMISSION MANDIGAL REP. ORGANIZERS TVL.S.
VELLAYAPPAN A.THANGARAJ&A.NALLUSAMY HAVING
O/ODINDIGUL MADURAI SERVICE ROAD OLD
PALPANNAI TRICHY ... RESPONDENTS/RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave to the petitioner to file Civil Revision Petition invoking Under Article 227 of the Constitution of India as against the Lok Adalath award passed in Lok Adalat case No.44/2018 O.S.No.869 of 2017 dated 10.2.2018 on the file of the First Additional District Munsiff Court, Trichy and thus render justice.

PRAYER IN CRP(MD) SR.NO.27818 of 2018:-

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to set aside the award in Lok Adalat case No.44 of 2018 dated 10.02.2018(in O.S.No.869 of 2017) on the file of the Hon'ble Ist Additional District Munsif Court, Trichirappalli.

ORDER : This petition coming on for orders upon perusing the affidavit filed in support thereof and upon hearing the arguments of Mr.C.K.CHANDRASEKAR for M/S.A.RAHUL, Advocate for the petitioner, the court made the following order:-



The petitioner viz., Trichy Vengaya Mandi Baram Sumakkum Thozhilalar Munnetra Sangam has approached this Court by way of filing this Civil Revision Petition under Article 227 of the Constitution of India only on the ground that the plaintiff and the defendants in the suit in O.S.No.869 of 2017, on the file of the learned I Additional District Munsif, Thiruchirappalli, have colluded themselves and filed a suit in respect of the labour matter. This was really held by the decisions of the Hon'ble Supreme Court reported in **AIR 1975 SC 2238** and this Court reported in **1992(2) MLJ 435** and also **1997(2) CTC 2000** and makes it clear that the suit is not maintainable in labour matters under the light of the decisions. The petitioner has approached this Court by way of this Civil Revision Petition, challenging the order, which was ended between parties in the Lok Adalat on 10.02.2018, before the I Additional District Munsif Court, Thiruchirappalli.

2. It is the case of the petitioner that since the suit has been filed for labour matters, which is not all maintainable as per the above Judgments. Apart from this, the plaintiff's Association, who have registered the Association in the year 1915 were sought the following prayer in the civil Court viz., the learned District Munsif, Thiruchirappalli:

"a. pass a decree that the agreement entered in to between the plaintiff and defendant on 14.07.2014 in valid in the eye of law and as consequential relief of directing the defendant to act as per the terms of the agreement dated 14.07.2014.

(b) pass a decree of permanent injunction restraining the defendants their men, members, servants and agents from inducting any third person or any other society for loading and unloading goods except the members in the plaintiff society.

(c) award costs of this suit; and

(d) grant such other relief that the court may deem fit in the nature and circumstances of this case and thus render justice."

3. The petitioner's Association, who have registered their Association in No. 1448 / TRI, dated 23.12.2015, seeking to quash the said decree passed in O.S.No. 869 of 2017, before the Lok Adalat, on the file of the I Additional District Munsif, Trichy, by way of filing this Civil Revision Petition. Therefore, they have filed the present petition seeking to grant leave for filing the above said Civil Revision Petition under Article 227 of the Constitution of India, whereas the Hon'ble Supreme Court and this Court have considered that no civil suit will lie in labour matters. Therefore, it is the case of the petitioner is that the very filing of the suit by the first respondent / plaintiff before the I Additional District Munsif, Trichy is not at all maintainable.

4. Apart from the above said prayer, there is a collusion between the parties and as the suit itself has affected the rights



of the petitioner, I am inclined to entertain this Petition by granting leave to file this Civil Revision Petition.

5. In the result, this petition is allowed.

sd/-
25/07/2018

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/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

THE I ADDITIONAL DISTRICT MUNSIF, TRICHIRAPPALI.

ORDER
IN
CMP (MD) No.6824 of 2018
IN
CRP (MD) No.SR27818 of 2018
Date :25/07/2018

MV:VR:SAR4:13/08/18/2P/2C