



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
C.R.P. (NPD) (MD) .No.1852 of 2018

and

C.M.P. (MD) .No.8118 of 2018

Trichy Vengayamandi Baram Sumakkum
Thozhilalar Munnetra Sangam
(Registration No.1448/TRI/LPF),
Represented by its General Secretary,
No.7, Sub-Jail Road,
Mayilam, Trichy-8. ... Revision Petitioner /3rd Party

Vs

1.Trichy Mavatta Sumai Thookkum
Kooli Thozhilalargal Sangam,
represented by its President
S.Kandhan and
Secretary S.Saravanan,
Registered under Societies Registration Act, 1975,
Having Office at Door No.41/B,
Dindigul-Madurai Service Road,
Old Palpannai, Varaganeri,
Trichy-620 008. ...1st Respondent/Plaintiff

2.Tiruchi Anaithu Azhugum
Porul Commission Mandigal
represented by its Organizers
Tvl.S.Vellayappan,A.Thangaraj and A.Nallusamy,
Having office at Dindigul-Madurai Service Road,
Old Palpannai, Varaganeri,
Trichy-8. ...2nd Respondent/Defendant

PRAYER : Petition filed under Article 227 of the Constitution of India 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, Tiruchirappalli.

For Petitioner : Mr.A.Rahul
For R1 : Mr.S.Parthasarathy
for Mr.N.Anandha Kumar
For R2 : Mr.M.Ashok Kumar

ORDER

O.S.No.869 of 2017 on the file of the District Munsif Court, Tiruchirappalli was instituted by the first respondent herein against the second respondent. The prayer in the suit reads as under:

"a. Pass a decree that the agreement entered in between the plaintiff and defendant on 14.07.2014 is 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."

2.The matter was referred to Lok Adalat. Before the Lok Adalat, the parties of the suit have filed a joint memo of compromise and based on the same, an award was also passed by the Lok Adalat in Lok Adalat Case No.44 of 2018 on 10.02.2018. The validity of the Lok Adalat award is questioned in this Civil Revision Petition, at the instance of a third party trade union.

3.Heard the learned counsel for the parties.

4.The learned counsel appearing for the revision petitioner pointed out that Prayer (b) is not maintainable, as it clearly infringed the rights of the revision petitioner Sangam.

5.The learned counsel appearing for the second respondent wanted this Court to have a look at the subsequent developments.

6.Both the learned counsel representing for the first and second respondents would point out that the revision petitioner Sangam has not entered into a 12(3) Settlement with the second respondent herein.

7.I am of the view that without going into the rival contentions, this Civil Revision Petition can be disposed of in the following terms:

Whatever rights which the revision petitioner has against the second respondent will not in any way be impaired by the impugned Lok Adalat award. The impugned Lok Adalat award cannot be used as a shield by the second respondent when the revision petitioner seeks to enforce their rights in the manner known to law.

8.Accordingly, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

/True Copy/



To

The Additional District Munsif Court,
Trichirappalli.

- 1 CC TO Mr.A.RAHUL , ADVOCATE IN SR No. 91645.
- + 1 CC TO Mr.M.P.SENTHIL , ADVOCATE IN SR No. 91158.
- + 1 CC TO Mr.M.ASHOK KUMAR , ADVOCATE IN SR No.91274.
-
- PNN
- DS SV SAR2 28 11 2018 3P 5C

ORDER MADE IN
C.R.P. (NPD) (MD) .No.1852 of 2018
and
C.M.P. (MD) .No.8118 of 2018
22.10.2018