

3The Hon'ble Sri Justice V.RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

+ WRIT PETITION No.533 OF 2018

%Date:04.01.2018

Between:

Adem Venkanna S/ o. Bakkaiah,
Aged about 37 years, Occupation: Agriculture,
Resident of Surypet, Nalgonda District

...Petitioner

Vs.

\$ Gopanaboina Manga W/ o. Venkateshwarlu,
Aged about 42 years, Occ: Household,
R/ o.H.No.2-1-268/ 3, Chandrannakunta Bazar,
Suryapet, Nalgonda District and others.

... Respondents

! Counsel for Petitioner : Sri M. Karthik Pavan Kumar

^ Counsel for Respondents : None

< Gist :

> Head Note :

? Cases Referred : Nil



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.533 OF 2018

ORDER: (per V. Ramasubramanian, J)

Challenging a Lok Adalat Award, the petitioner, who was originally arrayed as the 3rd defendant in the suit, but as against whom the plaintiff gave up his claim before the Lok Adalat, has come up with the above writ petition.

2. Heard Mr.M. Karthik Pavan Kumar, learned counsel for the petitioner.

3. The 1st respondent herein filed a suit in O.S No.29 of 2008 as against the 2nd respondent herein as well as the petitioner herein. One of the brothers of the plaintiff and the 1st defendant was the 2nd defendant, but he died issueless during the pendency of the suit. The petitioner herein was arrayed as the 3rd defendant in O.S No.29 of 2008 on the ground that he held an agreement of sale for the purchase of Item No.2 of the suit schedule.

4. Though the suit O.S No.29 of 2008 was primarily for partition, there was also a prayer as against the petitioner herein for specific performance of his obligations under the agreement of purchase.

5. Apart from O.S.No.29 of 2008, there was also one more suit in O.S. No.43 of 2012. In this suit O.S No.43 of 2012, the 2nd respondent herein was the plaintiff and the 1st respondent herein was the 2nd defendant. That suit was also for partition and separate possession.

6. Both the suits, namely, O.S.No.43 of 2012 and 29 of 2008 were taken up before the Lok Adalat and the parties except the petitioner herein entered into a compromise for the partitioning of the several properties. Insofar as the petitioner herein is concerned, who was

arrayed as the 3rd defendant in one of the two suits, in his capacity as the agreement holder for the purchase of item No.2 of the suit schedule property, was given up.

7. Therefore, the Lok Adalat disposed of both the suits by an award dated 24.11.2015. In paragraph-9 of the Award, it was clearly stated that the suit against the petitioner herein who was the 3rd defendant in O.S.No.29 of 2008 was dismissed as not pressed.

8. The grievance of the petitioner is that without following the procedure prescribed by Section 20 of the Legal Services Authorities Act, 1987 and behind his back, the parties have struck the compromise.

9. But, the said ground is not available to a person against whom the suit was dismissed as not pressed. In fact, the parties have taken a grave risk in making the suit as not pressed as against the petitioner herein. Therefore, we do not know why the petitioner is aggrieved.

10. The grounds of challenge available to a Lok Adalat award are very limited. The challenge of the petitioner to the award does not fall within such parameters. Once the claim against him is given up and the suit against him for specific performance is dismissed as not pressed, the petitioner cannot make out a grievance against the Lok Adalat award. It is always open to him to work out his remedies under the agreement of sale.

11. Therefore, the writ petition is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

January 04, 2018
KTL