

3The Hon'ble Sri Justice V.RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO
+ WRIT PETITION No.654 and 876 OF 2018

%Date:05.01.2018

Between:

W.P. No.654 of 2018:

Mettela Guravaiah W/ o.Narasimhulu,
Hindu, aged about 60 years, Business,
R/ o.D.No.41-20/ 3-21, Valuri Vari Street,
Krishna Lanka, Vijayawada.

...Petitioner

Vs.

\$ The Presiding Officer,
Lok Adalat, Rep. by its Members,
Vijayawada, Krishna District,
Andhra Pradesh and another.

... Respondents

W.P. No.876 of 2018:

%Mettela Sridevi W/ o.Peda Guravaiah,
Hindu, aged about 50 years, Business,
R/ o.D.No.41-20/ 3-21, Valuri Vari Street,
Krishna Lanka, Vijayawada.

...Petitioner

Vs.

\$ The Presiding Officer,
Lok Adalat, Rep. by its Members,
Vijayawada, Krishna District,
Andhra Pradesh and another.

... Respondents

! Counsel for Petitioners : Sri M.V.S Sarma

^ 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 Nos.654 and 876 OF 2018

COMMON ORDER: (per V. Ramasubramanian, J)

The tenant of a Commercial Building, who successfully avoided eviction for a period of 12 years from the year 2006 from the Court of first instance up to the High Court, has come up with the above writ petition challenging a Lok Adalat Award where the landlord was forced to agree to certain things at the stage of execution.

2. Heard Mr. M.V.S Sarma, learned counsel for the petitioners.

3. A Lok Adalat Award can be challenged only on the ground of fraud. If at all there is fraud, we do not think that it was on the part of the respondent. The respondent filed a suit for eviction in O.S. No.1198 of 2006. The landlord succeeded up to the High Court.

4. When the execution petition filed by the landlord in EP No.9 of 2017 was pending, the matter was referred to the Lok Adalat. In the Lok Adalat the petitioner agreed to vacate by 14.01.2018. It is relevant to note that the Lok Adalat Award was passed on 16.01.2017 and the time given to the petitioner to vacate, is due to expire on 14.01.2018.

Therefore, after waiting conveniently up to 3rd January, 2018, from March, 2017, the petitioner has come up with the above writ petitions challenging the Lok Adalat Award not on the ground of fraud but on the ground that it was at variance with the terms of the compromise.

According to the petitioner as per the terms of the compromise, the landlord had no alternative except either to put up with him or to sell the property to him. This ground is not available for challenge to the Lok Adalat Award.

5. Therefore, the writ petitions are 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 05, 2018
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