

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**CIVIL REVISION PETITION No.5981 OF 2016**

**ORDER:**

Heard Sri Mohd. Adnan, learned counsel for the revision petitioner - plaintiff, and Sri S. Mohd. Abdul Raheem Khan, learned counsel for respondent No.3.

2. The order under challenge is dated 01.11.2016 in I.A. No.10 of 2016 in O.S. No.1547 of 2006 on the file of the VIII Additional Senior Civil Judge, City Civil Court, Hyderabad, which reads thus:

“Suo motor reopened to hear with regard to compromise award since, it is the case of respondent that even though there is no Matruka property they have compromised on 11.12.2015 and validity of the Award. Call on 21.11.2016.”

3. The learned counsel for the revision petitioner would submit that when once the parties ended the dispute in compromise, and an Award is passed, the award cannot be reopened and overlooking the same, the trial Court passed the order under challenge. The learned counsel also would submit that when the matter was decided in the National Lok-adalat and an Award was passed, it is not open for the trial court to post the matter for hearing on maintainability of the Award and, thus, exceeded its jurisdiction and also shaken the very legal sanctity attached to the Award passed by the National Lok-Adalat.

i) The learned counsel for the revision petitioner placed reliance in **P.T. Thomas v. Thomas Job<sup>1</sup>** and **Sanjay Kumar v. Secretary, City Civil Court Legal Services Authority, Hyderabad<sup>2</sup>**.

4. In fact, the trial Court ought to have examined the provisions of the Legal Services Authorities Act, 1987 (for short 'Act, 1987'), more particularly, the provisions of Sections 19, 21 and 22 of the Act, 1987 and the effect of passing an award and whether such an award can be reopened for hearing by a trial Court when the Award was passed by the National Lok-Adalat. The order extracted above is very cryptic and it does not reflect any of these questions having been answered. Therefore, it is desirable to remit the matter for disposal afresh.

5. Accordingly, the Civil Revision Petition is disposed of, remitting the matter to the trial Court with a direction to proceed with what is contemplated by the provisions of the Act, 1987, and also the decisional law referred to by the learned counsel herein. In fact, both the learned counsel would come up with a common argument that the Court is not competent to go into the question of examining the issue that was already decided by a National Lok-Adalat, and pass appropriate orders in accordance with law.

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<sup>1</sup>. AIR 2005 SC 3575

<sup>2</sup>. 2010 (3) ALT 289

As a sequel thereto, miscellaneous petitions, if any, pending in the revision, stand closed.

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**A. SHANKAR NARAYANA, J**

**April 16, 2018.**  
Mgr

