

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.12279 of 2017

Date: 12.07.2018

Between:

P.Siva Reddy

... Petitioner

and

The Lok Adalat, Hindupur,
Rep. by its Chairman, Hindupur,
Anantapur District and 6 others

...Respondents

Counsel for the Petitioner:

Mr.M.Karibasaiah

Counsel for respondent Nos.1:

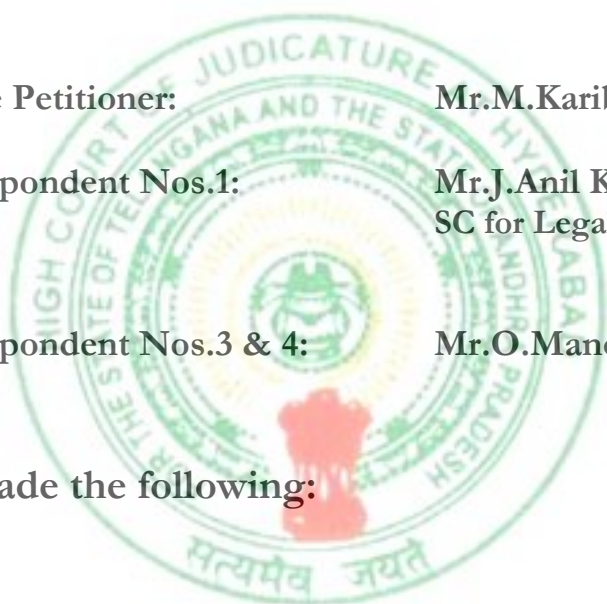
**Mr.J.Anil Kumar,
SC for Legal Services**

Authority

Counsel for respondent Nos.3 & 4:

Mr.O.Manohar Reddy

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner entered into an agreement of sale with respondent Nos.2 and 3 for purchasing an extent of Ac.135.69 cents in Sy. No.172/2, 166/2, 172/3, 167/1, 187/2, 183/2, 173, 174, 175, 176/1, 183, 184, 186, 191 and 192/1 of Nagaluru village of Anantapur District, at the rate of Rs.75,000/- for a total consideration of Rs.1,01,76,750/-. He has filed O.S. No.10 of 2012 in the Court of the Additional District Judge, Hindupur, for specific performance of the agreement of sale. With the consent of both parties, the suit was referred to Lok Adalat for passing a compromise award. An award was accordingly passed on 16.07.2016 which contained six clauses.

It is the pleaded case of the petitioner that as per the understanding between the parties, the award was passed and that Clause 2 of the certified copy of the award issued to the parties reads as under:

“The plaintiff agreed to pay the above said amount i.e., Rs.1,00,000/- per acre to the defendants at the time of registration.”

The petitioner has also pleaded that after the certified copy of the Award was issued to him and the private respondents, he has come to know that on the private respondents approaching the Lok

Adalat, it has added the words “within one month from the date of award.” (hereinafter referred to as “the disputed words”) in Clause 2 and the amended clause reads as under:

“The plaintiff agreed to pay the above said amount i.e., Rs.1,00,000/- per acre to the defendants at the time of registration within one month from the date of award.”
(disputed words underscored)

The amended Lok Adalat Award is called in question in this Writ Petition.

We have heard the learned counsel for the petitioner and the private respondents apart from perusing the record summoned from respondent No.1. Upon noticing our disinclination to interfere with the impugned Lok Adalat Award, the learned counsel for the petitioner, on instructions from his client, who is personally present in the Court, requested for permission of the Court to withdraw the writ petition with liberty to his client to avail any other remedy available to him in law.

The request of the learned counsel for the petitioner is accepted and the writ petition is accordingly dismissed as withdrawn with liberty to the petitioner in terms of the prayer made.

Before concluding, we are constrained to observe that the Lok Adalat at Hindupur has not taken proper precautions while adding in handwriting the disputed words in clause 2 of the award. If on the representation of the private respondents, the Lok Adalat felt that the award required modification, it ought to have passed a docket order in the presence of both parties explaining the reasons for incorporating the said words and taken the precaution of taking back the certified copy which did not contain the disputed words. The approach of the Lok Adalat discloses lack of diligence in conducting its proceedings which created avoidable suspicion in the mind of the petitioner. The Secretary, Andhra Pradesh State Legal Services Authority, is directed to bring the facts of this case to the notice of the Hon'ble Patron-in-Chief so as to issue appropriate Circular on the procedure to be followed in situations such as the present one to avoid needless litigation.

As a sequel to dismissal of the Writ Petition, interim order, dated 21-04-2017, is vacated, WPMP.No.15266 of 2017 is dismissed and IA.No.1 of 2018 is disposed of.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 12th July, 2018
lur/bnr

