

**THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION NO.12999 OF 2018

ORDER: (per Hon'ble Sri Justice T.Amarnath Goud)

This writ petition is filed challenging the Award of the Lok Adalat Bench, Nuzvid, dated 09.12.2016, in Lok Adalat Case No.1192/2016 in O.S.No.232/2016.

2. The fourth respondent herein filed O.S.No.232 of 2016 on the file of the Court of Senior Civil Judge, Nuzvid (for short, Court below) against the petitioner herein for recovery of an amount of Rs.9,58,000/-. During the pendency of the suit, the matter was referred to Lok Adalat Bench, Nuzvid for settlement. Recording the terms of compromise, The Lok Adalat Bench, Nuzvid, passed an Award on 09.12.2016. As per the Award, the petitioner herein, who is the defendant in the said suit, has to pay a sum of Rs.6,00,000/- in two instalments i.e., Rs.3,50,000/- was to be paid on or before 06.02.2017 and remaining amount of Rs.2,50,000/- was to be paid on or before 14.03.2017 to the fourth respondent herein towards full and final settlement of the suit amount. Thereafter, the petitioner herein has issued two postdated cheques for realization of Award amount. On presentation, when the said cheques were dishonoured, the fourth respondent herein filed Execution Petition before the Court below and it is pending. At that stage, the petitioner filed the present writ petition.

3. It is to be noted that the impugned Award was passed on 09.12.2016 and the petitioner filed the present writ petition on

11.04.2018 i.e., after more than 16 months from the date of passing of the Award. The petitioner has not explained the delay. Moreover, the petitioner has not established the ground of fraud in obtaining the Award, which involves interference of this Court to set aside the Award. The petitioner having compromised the matter as against the suit amount of Rs.9,58,000/- for Rs.6,00,000/- towards full and final settlement and allowed the Lok Adalat to pass Award, has now, for the reasons best known to him, probably to stall the EP proceedings, invoked the writ jurisdiction, which cannot be appreciated. Further, the petitioner neither raised any issue before the Lok Adalat to the effect that his signatures were obtained by way of fraud nor filed any police complaint to that effect.

4. For the reasons stated above, the writ petition is devoid of merits and the same is liable to be dismissed. No costs. Miscellaneous petitions pending, if any, shall stand closed.

C.PRAVEEN KUMAR, J

T.AMARNATH GOUD, J

Date: 16.04.2018
TJMR