

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

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.1675 of 2008

Date: 09.08.2018

Between:

Netala Adinarayana

..Petitioner

and

Mandal Legal Services Committee
Rep. by its Chairman –cum- Senior Civil Judge,
Bobbili and another

..Respondents

Counsel for the petitioner: Mr.S.Sridhar

**Counsel for respondent No.1: Mr.J.Anil Kumar,
SC for Legal Services**

Counsel for respondent No.2: None appeared

The Court made the following:

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

This Writ Petition is filed for issue of Certiorari to quash award, dated 16-04-2005, in LAC.No.22 of 2005 passed by respondent No.1 in MC.No.56 of 2004 on the file of the Additional Judicial First Class Magistrate, Bobbili.

We have heard Mr.S.Sridhar, learned Counsel for the petitioner, and Mr.J.Anil Kumar, learned Standing Counsel for the Andhra Pradesh State Legal Services Authority representing respondent No.1. Despite service of notice, respondent No.2 has not entered appearance and contested the case.

Respondent No.2 has filed MC.No.56 of 2004 on the file of the Additional Judicial First Class Magistrate, Bobbili, alleging that the petitioner married her fifteen years back; that due to cruelty which she was subjected to by the petitioner, she had no option other than leaving his company and residing separately; and that as she is unable to maintain herself, she sought for grant of monthly maintenance of Rs.3,000/- from the petitioner.

It is the pleaded case of the petitioner that though he attended the lower Court for one hearing, he could not engage an Advocate immediately; that till his salary was attached in the year 2008, he was not aware of the impugned Lok Adalat Award; and that later, he came to know that without his knowledge, the lower Court has referred the dispute to respondent No.1, which passed the impugned Lok Adalat Award. The petitioner further stated that respondent No.2 is not his wife; that he has not appeared before respondent No.1; and that he was impersonated by some one else. He denied his signature on the impugned Lok Adalat Award.

As noted herein before, respondent No.2 has not entered appearance. Respondent No.1 has neither filed any counter-affidavit nor produced the record. This Court, by Order, dated 31.02.2008, granted interim suspension of the impugned Lok Adalat Award. Despite the said fact, respondent No.2 has not approached this Court seeking vacation of the said interim order. As the petitioner's plea that he has neither appeared before respondent No.1 nor signed on the impugned Lok Adalat Award and that he was

evidently impersonated by someone else remained uncontroverted with the failure of both the respondents to contest the Writ Petition, we have no option other than allowing the same.

The Writ Petition is, accordingly, allowed and the impugned Lok Adalat Award, dated 16-04-2005, in LAC.No.22 of 2005 passed by respondent No.1 is quashed.

As a sequel, WPMP.No.2075 of 2008, filed by the petitioner for interim relief, is disposed of.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 9th August, 2018
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