

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY  
AND  
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.4218 of 2008

Date: 06.09.2018

Between :

Bala Souri

... Petitioner

And

Presiding Officer,  
District Legal Services Authority,  
Anantapur District,  
Anantapur and others.

... Respondents

COUNSEL FOR PETITIONER : Sri Chetluru Sreenivas

COUNSEL FOR RESPONDENTS : Sri J. Anil Kumar for R1  
None appeared for R2 to R4

THE COURT MADE THE FOLLOWING:

**ORDER :** (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for issue of Certiorari to quash the Award dated 07.02.2008 in PLC.No.24 of 2008 on the file of Lok Adalat Bench at Anantapur.

We have heard Sri Chetluru Sreenivas, learned counsel for the petitioner, and Sri J. Anil Kumar, learned Standing Counsel, representing the Legal Services Authority for the State of Andhra Pradesh appearing for respondent No.1. Though notices are served, respondent Nos.2 to 4 have not entered appearance.

The representation made by the petitioner to respondent No.1 was registered as PLC.No.24 of 2008. The substance of the said representation, as culled out from the impugned Lok Adalat Award, is that respondent No.2, who appeared to have advanced some money, took the petitioner's signatures on blank Pro-notes and that with great difficulty the petitioner could secure an amount of Rs.1,25,000/- for discharging the debt due to respondent No.2 on condition that she must stop harassing the petitioner and refund the blank Pro-notes to her, that respondent No.2 has not accepted the petitioner's request and she is apprehending danger to her person and life at the hands of respondent Nos.2 to 4. Based on the purported terms of settlement, respondent No.1 has passed the impugned Award dated 07.02.2008, as per which the petitioner

agreed to pay Rs.1,25,000/- within one week out of the settled amount of Rs.2,00,000/- to respondent No.1, failing which the sum of Rs.1,25,000/- shall carry interest @ 24% per annum, that the petitioner agreed to pay the balance of Rs.75,000/- in instalments @ Rs.3,000/- per month before 10<sup>th</sup> of every month, that the said payment shall be in full and final settlement of the claim of respondent No.1 and that the debts under two Pro-notes dated 29.09.2006 shall stand discharged.

The petitioner pleaded that she has not entered into the settlement of her free will and consent, that respondent No.1 has strongly prevailed upon her to agree for settlement and that he has also threatened the petitioner's husband that if he does not heed to his advice, he would be sent behind the bars.

None of the respondents, including respondent No.1, filed counter affidavit denying the averments in the writ affidavit.

Though, in the impugned Award, it is stated that both the parties filed terms of compromise, learned counsel for the petitioner submitted that no such terms were reduced to writing. As respondent No.1 has not entered appearance and filed counter affidavit, no such terms of compromise have been placed before us. In the face of the stand of the petitioner that she was forced to sign the Award, which remained uncontraverted by any of the

respondents, we have no option other than setting aside the impugned Lok Adalat Award dated 07.02.2008, however, leaving respondent No.2 free to avail appropriate legal remedies for recovery of money, if any, due from the petitioner.

The writ petition is accordingly allowed. No order as to costs. As a sequel to the allowing of the writ petition, WPMP.No.5510 of 2008 shall stand disposed of accordingly.

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C.V. NAGARJUNA REDDY, J

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GUDISEVA SHYAM PRASAD, J

06.09.2018.  
Msr



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06.09.2018

Msr