

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7561 OF 2003

ORDER:

1. This writ petition is filed by the petitioners seeking to issue a writ of Certiorari calling for the records relating to and connected with the order dated 18.1.2003 in PLM No.64 of 2002 on the file of the Taluk Lok Adalat, Chintalapudi, and to quash the same by holding it as illegal, arbitrary and contrary to the provisions of the Legal Services Authorities Act.

2. Heard Sri K. Chidambaram, learned Counsel for the petitioners and Sri M.V.R. Narasimha Charya, learned Counsel for the 2nd respondent.

3. The case of the petitioners in brief is as follows:

The 2nd respondent filed an application before the 1st respondent stating that the petitioners agreed to sell an extent of Ac.0.20 cents situated in R.S.No.376/2 of Yerraguntapalli village for Rs.1,00,000/- to him and they also executed an agreement of sale dated 2.4.2002 after receiving advance amount of Rs.10,000/- and that the petitioners agreed to execute a regular sale deed in his favour after receiving the remaining balance sale consideration, on or before 15.6.2002, and on 15.6.2002 when the 2nd respondent approached the petitioners with the balance sale consideration, they refused to receive the same and execute the registered sale deed while informing that they have no title, and that though the petitioners agreed to repay the advance amount of Rs.10,000/- paid by him with interest, they are not repaying the amount. In the said application, the 2nd respondent prayed that the advance amount may be directed to be paid by the petitioners. On such application made by the 2nd respondent, the 1st respondent issued notice dated 24.9.2002 to the petitioners directing them

to appear before the Lok Adalat on 19.10.2002 in the premises of Junior Civil Judge's Court Buildings, Chintalapudi. The petitioners filed counter admitting the sale transaction and contending that the 2nd respondent did not pay the balance sale consideration on or before 15.6.2002 to get the sale deed registered in his favour and in view of breach of the terms of the agreement, the sale agreement was terminated and the 2nd respondent would forfeit the advance amount. Thereafter, the 1st respondent passed the order on 18.1.2003 directing the petitioners to pay an amount of Rs.10,000/- to the 2nd respondent within one month. Thereafter the case was adjourned to 22.2.2003 and 29.3.2003, and on 29.3.2003 the members of Lok Adalat forced the petitioners to sign on the award. The Award was signed by the Committee members on 18.1.2003 whereas they forcibly obtained the signature of the 1st petitioner on 29.3.2003. Hence, the petitioners challenged the said award.

4. On 25.4.2003 while admitting the writ petition, this Court granted interim stay of all further proceedings in pursuance of the award in question.

5. Learned Counsel for the petitioners contends that there was no settlement or compromise between the petitioners and the 2nd respondent and that the signature of the 1st petitioner was obtained forcibly and the award impugned was passed without there being any consent of the petitioners, in contravention of the provisions of the Legal Services Authorities Act.

6. One of the contentions raised by the petitioners is that the award was passed on 18.1.2003 and the signature of the 1st petitioner was

obtained forcibly on 29.3.2003, and that petitioners Nos.2 and 3 had not subscribed their signature on the said award.

7. This Court having considered the rival submissions feels that petitioners Nos.2 and 3 are none other than the sons of the 1st petitioner and admittedly, they have entered into agreement of sale with the 2nd respondent herein and as per the said agreement of sale, the petitioners herein had received Rs.10,000/- as advance sale consideration. When the petitioners have admitted before the Lok Adalat by way of filing a counter that they received an amount of Rs.10,000/- as advance in pursuance of the agreement of sale dated 15.6.2002, they cannot turn around based on mere technicalities i.e., the date put by the 1st petitioner underneath his signature on the award. The very approach of the petitioners before this Court by way of this writ petition does not appear to be with clean hands. In view of the fact that the award was passed in the presence of the members, it cannot be claimed that the award passed by the Lok Adalat is illegal on mere technicalities. I do not see any ground to interfere with the award passed by the Lok Adalat.

8. Accordingly, the Writ petition is dismissed as devoid of merits. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 23rd April, 2018.
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HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7561 OF 2003



23/04/2018

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