

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

WRIT PETITION No.20995 of 2008

07.09.2018

Between:

Tanguturi Usha Rani @ Jayasree

..Petitioner

and

The Legal Services Authority (Lok Adalat),
Kavali Town, Nellore District,
represented by its Chairman and others

..Respondents

Counsel for the petitioner: Mr.P.Ravi Kiran

Counsel for respondent No.1: Mr.J.Anil Kumar,
standing counsel for Legal Services Authority

Counsel for respondent Nos.2, 3 and 5: Mrs.K.Mahalakshmi
for Mr.K.Rama Mohan

The Court made the following:

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

This writ petition is filed for issue of a *mandamus* to declare the action of respondent No.1 - Lok Adalat at Kavali, in rejecting the petitioner's application for invalidation of award, dated 20.01.2007, passed by the said respondent in C.C.No.181 of 2005.

2. We have heard Mr.P.Ravi Kiran, learned counsel for the petitioner, Mr.J.Anil Kumar, learned standing counsel for Legal Services Authority appearing for respondent No.1 and Mrs.K.Mahalakshmi, learned counsel representing Mr.K.Rama Mohan, learned counsel for respondent Nos.2, 3 and 5.

3. The petitioner is the estranged wife of respondent No.2. Respondent Nos.3 and 4 are her parents-in-law. Respondent Nos.5 and 6 are the brothers of respondent No.2 and the sons of respondent Nos.3 and 4. Cases and counter-cases were instituted by the parties against each other. While at the instance of the petitioner, C.C.No.181 of 2005 was taken cognizance by the learned Additional Judicial Magistrate of First Class, Kavali, for the offence punishable under Section 498-A I.P.C., at the instance of respondent No.4 – the mother-in-law, C.C.No.40 of 2005 was taken cognizance by the learned

Additional Judicial Magistrate of First Class, Rajampet.

Both the parties have entered into a compromise, based on which, respondent No.1 has passed the aforementioned Lok Adalat award, which incorporated the terms of compromise, which read as under.

“TERMS OF COMPROMISE

1. The complainant in C.C.No.181/2005 on the file of Addl.Judl.Magistrate of I Class Court, Kavali, shall withdraw the case.
2. The petition filed by the mother of the 2nd Petitioner in M.C.No.15/2003 on the file of A.J.M.F. Court, Kavali, on behalf of her son, shall withdraw the same.
3. The Petitioner in H.M.O.P.No.60/03 on the file of Senior Civil Judge, Kavali, paid the expenses to the Respondent.
4. The A-3 in C.C.No.181/2005 on the file of A.J.M.F. Court, Kavali, by name T.Atchamma @ Santhamma, W/o.Jayaramaiah, agreed to withdraw the case in C.C.No.40/2005 on the file of A.J.M.F. Court, Rajampet, Kadapa District, which is registered non-bailable case against T.Usha Rani, C.Indhiramma, C.Narasimha Rao, S.Padmavathamma at the time of trial.

5. The both parties agreed to settle the matter amicably and the spouse by name T.Jayaprakash and T.Usha Rani @ Jayasri and agreed to live happy married life without any future complications, if both parties fail to follow the above terms and conditions, the settlement of compromise is automatically invalid.”
4. The petitioner has pleaded that despite clause 4 of the terms of compromise, whereunder respondent No.4 has agreed to withdraw C.C.No.40 of 2005, she has not withdrawn the same, while acting on the Lok Adalat award, the petitioner has withdrawn C.C.No.181 of 2005 registered at her instance and that therefore, she has approached respondent No.1, by way of an application, with a request to invalidate the Lok Adalat award. The petitioner has further averred that respondent No.1 has dismissed the said application and feeling aggrieved thereby, she has filed the present writ petition.
5. The petitioner has not filed a copy of order passed by respondent No.1 purportedly dismissing her application for invalidating the Lok Adalat award. Be that as it may, as evident from the terms of compromise, reproduced hereinbefore, under clause 5 thereof, both the parties have agreed that if they fail to follow any of the terms and conditions, the settlement or

compromise automatically renders itself invalid. If respondent No.4 has not withdrawn C.C.No.40 of 2005, the whole settlement is rendered invalid in view of clause 5 of the terms of compromise. Therefore, there was no need for the petitioner to approach respondent No.1 seeking invalidation of the Lok Adalat award. Equally, this writ petition is also wholly unnecessary as the petitioner can treat the Lok Adalat award as invalid and retrace her steps, if any, taken in compliance of the said award by approaching the jurisdictional Court and seek restoration of C.C.No.181 of 2005.

6. Subject to the above observations, the Writ Petition is disposed of.

7. As a sequel to disposal of the writ petition, W.P.M.P.No.27433 of 2009 filed by the petitioner for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

07th September, 2018

GHN