

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

WRIT PETITION No.28557 of 2017

Date:26.07.2018

Between.

Madineni Anasuyamma,
W/o Venkataramanappa

.....Petitioner

And.

Pacha Sarojamma,
W/o Late P.Ramaiah and 13 others.

.....Respondents

Counsel for the petitioner: Sri Narasimhulu Parise

Counsel for respondent No.1: Sri P.Narahari Babu

Counsel for respondent Nos.2, 3, 5, 6 & 13: Sri M.Solomon Raju

Counsel for respondent Nos.9 & 12: Sri Seshadri Golla

Counsel for respondent No.14: Sri J.Anil Kumar

Counsel for respondent Nos.4, 7, 8, 10 & 11: None appeared

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 award, dated 04.3.2017, passed by respondent No.14 in O.S.No.55 of 2008.

We have heard Mr. Narasimhulu Parise, learned counsel for the petitioner, Mr. Solomon Raju, learned counsel for respondent Nos.2, 3, 5, 6 & 13, Mr. Golla Seshadri, learned counsel for respondent Nos.9 and 12 and Mr. J.Anil Kumar, learned Standing Counsel for A.P. Legal Services Authority, appearing for respondent No.14.

The grievance of the petitioner, who is defendant No.6 in O.S.No.55 of 2008 on the file of the Junior Civil Judge, Penukonda, is that without notice to her and behind her back, the afore-mentioned suit filed by respondent Nos.1 to 3 for partition was allowed to be compromised and the impugned Lok Adalat award was passed.

A perusal of the impugned Lok Adalat award shows that apart from the plaintiffs, only defendant Nos.2, 3 and 11 have signed the same.

Mr. Solomon Raju, learned counsel for respondent Nos.2, 3, 5, 6 & 13, fairly admitted this position.

In our opinion, it is not permissible for the Lok Adalat to pass an award unless all the parties before it give their consent and join in the passing of the award by signing the same and

that too, in a partition suit where every defendant has the status of plaintiff. Therefore, the impugned Lok Adalat award is not sustainable and the same is accordingly quashed. The suit shall be restored to its file to be disposed of on merits.

The Writ Petition is, accordingly, allowed.

As a sequel to disposal of the Writ Petition, WPMP.No.35577 of 2017 filed for interim relief shall stand dismissed.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

26th July, 2018
DR

