

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

**WRIT PETITION No.26329 of 2006**

**07.09.2018**

Between:

Sistla Sarada Devi

..Petitioner

and

Uppuluri Anantha Lakshmi Narayana and others

..Respondents

Counsel for the petitioner: Mr.M.Avinash Reddy,  
for Mr.N.Ashwani Kumar

Counsel for respondent Nos.4, 5, 8 and 9: Mr.Nandini Srinivas

Counsel for respondent No.7: Mr.N.Vijay

Counsel for respondent Nos.1 to 3 and 6: None appeared

The Court made the following:

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

This writ petition is filed feeling aggrieved by award, dated 10.11.2006, in O.S.No.92 of 2004, passed by the Lok Adalat Bench constituted by the Krishna District Legal Services Authority at Vijayawada.

2. A perusal of the record shows that the writ petition was dismissed *qua* respondent No.10. The learned counsel for respondent Nos.4, 5, 8 and 9 filed memo, dated 05.09.2018, stating to the effect that respondent Nos.4 and 8 died. In the manner we propose to dispose of the writ petition, there is no necessity for bringing on record the legal representatives of deceased respondent Nos.4 and 8.

3. The grievance of the petitioner is that though she is defendant No.9 in O.S.No.92 of 2004, at the instance of respondent Nos.1 and 2, who are the plaintiffs, and respondent Nos.5, 6, 8 and 9, who are defendant Nos.3, 4, 6 and 7 respectively in the suit, the Lok Adalat has passed the impugned award. The learned counsel for the petitioner has submitted that as all the parties are required to agree for settlement and sign the award, exclusion of the petitioner from

the settlement and passing of the impugned Lok Adalat award without her consent is not sustainable.

4. The necessity of pronouncing upon the legality or otherwise of the impugned Lok Adalat award is obviated as the petitioner himself filed O.S.No.83 of 2002 on the file of learned II Additional District Judge, Vijayawada, for partition of the joint family properties and for separate possession of her share therein. While the learned counsel for respondent Nos.5 and 9 has submitted that the aforementioned suit filed by the petitioner was dismissed for default on 02.02.2007 and he has also filed a copy thereof along with the material papers, the learned counsel for the petitioner has disputed the said submission and stated that the said suit is still pending.

5. Inasmuch as the petitioner is not a party to the settlement leading to the passing of the impugned Lok Adalat award, she is not bound by the said award. It is, therefore, axiomatic that if O.S.No.83 of 2002 filed by the petitioner has been restored and the same is not disposed of so far, the petitioner is entitled to pursue the said suit independent of the impugned Lok Adalat award and the jurisdictional Court shall adjudicate the said suit

on its own merits without being influenced by the impugned Lok Adalat award.

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.33831 of 2006 filed by the petitioner for interim relief stands disposed of.

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**C.V.NAGARJUNA REDDY, J**

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**GUDISEVA SHYAM PRASAD, J**

**07<sup>th</sup> September, 2018**  
GHN

