

*HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
&
+HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

+W.P.No.537 of 2012

% 30-8-2018

#C. Narender

.. Petitioner

and

\$ The Secretary,
Lok Adalat, Nyaya Seva Sadan,
City Civil Court, Hyderabad
and another

.. Respondents

<GIST:

>HEAD NOTE:

! Counsel for petitioner : Ms.P. Sujatha

^ Counsel for respondent No.1 : Sri J. Anil Kumar

Counsel for respondent No.2 : Sri K. Laxmi Manohar

?CASES REFERRED:

Nil

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

W.P.No.537 of 2012

Date : 30-8-2018

Between :

C. Narender

.. Petitioner

and

The Secretary,
Lok Adalat, Nyaya Seva Sadan,
City Civil Court, Hyderabad
and another

.. Respondents

Counsel for petitioner : Ms.P. Sujatha
Counsel for respondent No.1 : Sri J. Anil Kumar
Counsel for respondent No.2 : Sri K. Laxmi Manohar

The Court made the following:

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

This Writ Petition is filed for a mandamus to set-aside Award dated 6-3-2010 in P.L.C.No.7 of 2010 passed by respondent No.1-Lok Adalat.

The petitioner is the brother of respondent No.2. Respondent No.2 has approached respondent No.1 with P.L.C.No.7 of 2010 claiming her share in the family properties comprising three items. Based on a settlement reached between the petitioner on the one side and respondent No.2 on the other side, respondent No.1 has passed the impugned Award under Section 19 of the Legal Services Authorities Act, 1987 (for short "the Act"), as per which, the petitioner was allotted item Nos.1 and 3 of the properties and respondent No.2 was allotted item No.2, i.e., Plot No.46/A, Seethapathy Colony, Picket, Secunderabad, admeasuring 195 sq. yards standing in the name of her mother-C. Devamma.

The only ground on which the petitioner filed the present Writ Petition is that respondent No.1 has no jurisdiction to entertain a dispute involving the properties whose value is above Rs.10 lakhs. In support of this submission, the petitioner has referred to and relied upon Section 22(C)(1) of the Act.

Sri J. Anil Kumar, learned Standing Counsel for respondent No.1 submitted that this case has nothing to do with the Permanent

Lok Adalat, that the award has been passed by the regular Lok Adalat constituted under Section 19 of the Act and that the impugned award is traceable to Section 21 of the Act.

Chapter VI-A of the Act was introduced by the Amendment Act 37 of 2002 with effect from 11-6-2002 whereunder Permanent Lok Adalat has been established for deciding disputes concerning public utility services. Section 22(C) deals with Cognizance of cases by Permanent Lok Adalat. Under the second proviso thereof, the Permanent Lok Adalat shall not have jurisdiction in the matter where the value of the property in dispute exceeds Rs.10 lakhs (presently enhanced to Rs.1 crore). The present case is between two private parties and it has nothing to do with the public utility services. Indeed, the impugned Award shows that it is a Pre-Litigation Case before the Lok Adalat organised by the City Civil Court Legal Services Authority, Hyderabad and presided over by the Secretary. The petitioner seems to be labouring under a misconception, obviously based on the nomenclature of the case as PLC (Pre-Litigation Case) by mistaking it for Permanent Lok Adalat Case.

Except raising the jurisdictional plea, the petitioner has not raised any other plea. He has not disputed the fact that he has entered into the settlement with respondent No.2, based on which the impugned Lok Adalat award has been passed. Having thus settled the

dispute with respondent No.2, it lies ill in the mouth of the petitioner to question the Lok Adalat award on the specious ground of lack of jurisdiction. The conduct of the petitioner is abhorrent, to say the least. The petitioner has indulged in vexatious litigation, abused the process of Court and secured the benefit of enjoying the property allotted to respondent No.2 based on the settlement for the last six years on the strength of the stay. He has denied the petitioner, the fruits of the Lok Adalat Award. In the facts and circumstances of the case, the Writ Petition is dismissed. The petitioner is saddled with costs of Rs.1,00,000/- (Rupees one lakh only) payable to the petitioner.

As a sequel to the dismissal of the Writ Petition, interim order dated 18-1-2012 is vacated and WPMP No.675 of 2012 and WVMP No.334 of 2012 are dismissed as infructuous.

Justice C.V. Nagarjuna Reddy

Justice Gudiseva Shyam Prasad

Date : 30-08-2018

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