

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE P.KESHAVA RAO

WRIT PETITION No.36297 of 2018

02.11.2018

Between:

Kakarla Ram Murthy

..Petitioner

and

The District Legal Services Authority,
Kadapa, and others

..Respondents

Counsel for the petitioner: Mr.P.Nagendra Reddy

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

Counsel for respondent No.2: Government Pleader for
Law Legislative Affairs (A.P.)

Counsel for respondent Nos.3 to 6: None appeared

The Court made the following:

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

This writ petition is filed for issue of *certiorari* to quash Lok Adalat award, dated 14.08.2014, relating to O.S.No.11 of 2012 on the file of learned IV Additional District Judge, Kadapa, passed by respondent No.1 - Lok Adalat Bench.

2. We have heard Mr.P.Nagendra Reddy, learned counsel for the petitioner, and Mr.J.Anil Kumar, learned standing counsel for Legal Services Authority appearing for respondent No.1 and perused the record.

3. The petitioner filed O.S.No.26 of 2008 for partition of the joint family properties, against respondent Nos.3 to 5 and others, who in turn, filed O.S.No.11 of 2012 for partition of the same properties. The petitioner pleaded that as a result of the settlement reached between the family members, the dispute relating to O.S.No.26 of 2008 was settled among them and that as the properties, which were the subject matter of O.S.No.11 of 2012, were attached to the Anti-Corruption Bureau (ACB) Court, the family members decided not to get the same adjudicated till the ACB Court delivers judgment. The petitioner further averred that after dismissal of O.S.No.11 of 2012 *qua* respondent No.6/defendant No.3, the said suit was

referred to Lok Adalat; that the petitioner and his wife signed on some documents under the impression that the same were meant for disposal of O.S.No.26 of 2008; that respondent No.6/defendant No.3 in O.S.No.11 of 2012, did not attend the Lok Adalat and did not sign on any document as they had no intention of dividing the properties relating to the said suit till attachment is raised by the ACB Court and that in spite of the said defects, respondent No.1 Lok Adalat Bench has passed the impugned Lok Adalat award. The petitioner also averred that recently, he came to know about the fact that the impugned Lok Adalat award was passed in O.S.No.11 of 2012 and that therefore, he has filed the present writ petition for setting aside the said award.

4. It is not the pleaded case of the petitioner that he is an illiterate without being aware of the facts of his case. A perusal of the record shows that the petitioner has signed the impugned Lok Adalat award in English. The manner of his signature shows that he is well educated. Being the plaintiff in O.S.No.26 of 2008 and defendant No.1 in O.S.No.11 of 2012 and having got the dispute referred to Lok Adalat, he cannot plead ignorance of the actual suit, which was referred to Lok

Adalat. Significantly, not only the petitioner, but also his counsel also signed on the impugned Lok Adalat award.

5. In the light of the aforementioned facts and circumstances of the case, we are of the opinion that the filing of the present writ petition is a pure after thought and the averments made in this writ petition do not sound credible. Except pleading that recently he has come to know about the fact that the impugned Lok Adalat award was passed in a wrong suit, the petitioner did not specify the approximate time when he allegedly realized the said fact and the source through which he came to know about the said fact. Before filing the present writ petition, the petitioner has not even got a legal notice issued to any of the parties to the suit. In addition to the above reasons, the writ petition filed after four years of passing of the impugned Lok Adalat award, thus, suffers from uncondonable laches.

6. For all the aforementioned reasons, we do not find any merit in this Writ Petition and the same is, accordingly, dismissed.

7. As a sequel to dismissal of the Writ Petition, I.A.No.1 of 2018 filed by the petitioner for interim relief stands dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

P.KESHAHA RAO, J

02nd November, 2018
GHN

