

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

AND

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

W.P.No.42830 of 2018

Date: 27.11.2018

Between:

Katam Krishnaiah

S/o.Pakeeraiah,

Aged 45 years,

Occ: Agriculturist,

R/o.Ankiravulapalli village,

Kollapur mandal,

Nagar Kurnool district,

Telangana.

... Petitioner

And

Chukka Glemma

W/o.Ishwaraiah,

Aged 65 years,

R/o.Ankiravulapalli village,

Kollapur mandal,

Nagar Kurnool district,

Telangana

and three others.

... Respondents

Counsel for the Petitioner :

Mr. T.Balaswami for
Mr.K.Praveen Kumar

Counsel for the Respondents:

Mr.J.Anil Kumar, SC for R4

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 call for records relating to and in connection with Award dated 12.06.2017 passed by respondent No.4 in Lok Adalat Case No.154 of 2017 (O.S.No.209 of 2013 on the file of the Junior Civil Judge at Kollapur).

2. We have heard Mr.T.Balaswami, counsel representing the learned counsel for the petitioner and the learned Standing Counsel for respondent No.4.

3. The petitioner pleaded that respondent No.1 has executed an agreement of sale in his favour for sale of suit schedule property, but instead of executing the sale deed, respondent No.1 filed O.S.No.209 of 2013 on the file of the Junior Civil Judge at Kollapur, for permanent injunction against the petitioner and another person and during the pendency of the said suit, she executed the sale deed in favour of one T.Balaiah, who in turn sold the property to respondent Nos. 2 and 3. In this background, the suit was referred to respondent No.4 for passing a compromise award. Accordingly, based on the settlement reached between the petitioner and another person on one side and respondent Nos.1 to 3 on the other side, the impugned Lok Adalat Award was passed, as per which, the defendants including the petitioner and plaintiff No.2 have no right or authority over the suit land. Nearly 1 ½ years after passing of the said Award, the petitioner

filed the present W.P., with the plea that as he is an illiterate, he signed the settlement and the Lok Adalat Award, without understating their contents and under the *bona fide* belief that the cheque issued by respondent No.3, representing the advance sale consideration paid by the petitioner to respondent No.1, will be handed over by one Kadtala Pullaiah, who executed receipt dated 20.05.2017 to the above effect.

4. After hearing Mr.T.Balaswami, we are of the opinion that this writ petition is without any merit. The petitioner has not disputed the factum of entering into compromise and his signing the Lok Adalat Award. The plea that he is not aware of the contents of the Award, is not worthy of acceptance as, apart from the petitioner, his counsel also signed the Award. Even if the petitioner is an illiterate as pleaded by him, his counsel would have read the Award and explained its contents before the petitioner has signed.

5. The learned counsel for the petitioner has taken us through a photo copy of receipt dated 20.05.2017 executed by one K.Pulliah, wherein it has been stated that the amount payable under the cheque bearing No.763194, to be handed over to the petitioner was given by respondent No.3 to the said Pullaiah and that on the date when the suit will be dismissed, the said cheque will be handed over to the petitioner. It is not mentioned in the said receipt that the contents thereto, will be incorporated in the settlement. That appears to be the

obvious reason for the petitioner and his counsel signing the Lok Adalat Award, without insisting for incorporation of the contents of the receipt in the Award. If the said Pullaiah has executed the receipt, we do not find any reason for the petitioner, not to call upon him to hand over the cheque. It is not the pleaded case of the petitioner that so far he has done so. In our opinion, non-incorporation of the contents of the receipt in the impugned Lok Adalat Award, may not affect the interests of the petitioner, as he is always entitled to avail appropriate legal remedy for enforcement of the purported receipt executed by K.Pullaiah.

6. In this view of the matter, we do not find any reason to invalidate the Lok Adalat Award, merely for the reason that the contents of the receipt dated 25.06.2017 have not been made part of the Lok Adalat Award.

7. For the aforementioned reasons, the writ petition is dismissed, however, with liberty to the petitioner to avail appropriate legal remedies for enforcement of the aforementioned receipt.

8. As a sequel to the dismissal of the writ petition, I.A.No.1 of 2018 is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

T.AMARNATH GOUD, J

Date: 27th November, 2018

msb

