

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice T.Amarnath Goud

W.P.No.43328 of 2018

Date: 29.11.2018

Between:

Malik Tousif

....Petitioner

And:

The Legal Services Authority
Rep. by its Secretary
City Civil Court, Purani Haveli,
Hyderabad and 2 others

....Respondents

Counsel for the Petitioner:

Mr.Gulam Mustafa Rabbani

The Court made the following:



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

This Writ Petition is filed for the following substantive relief:

“to issue a writ or direction that is a writ of mandamus and declare in the Award passed by the respondent No.1 in LAC.No.429/2018, dated 22-04-2018, in favour of respondent Nos.2 and 3 is illegal and consequently, set aside the same, in the interest of justice and equity.”

We have heard the learned Counsel for the petitioner and perused the record.

Admittedly, the petitioner is not a party either to the suit or to the Lok Adalat Award.

The learned Counsel for the petitioner submitted that his client has filed a claim petition in the Execution Petition filed by respondent No.2.

In our opinion, the petitioner not being a party to the suit and the Lok Adalat award, the said award is not binding on him and he has rightly filed the claim petition raising objection to execution of the Lok Adalat Award. In addition to that remedy, the petitioner is also entitled to file a separate civil suit assailing the validity of the Lok Adalat Award on the ground of alleged fraud as he is not a party to the suit or the proceedings before the Lok Adalat.

For the afore-mentioned reasons, the Writ Petition is dismissed, without adjudicating the same on merits, however, with

liberty to the petitioner to pursue the remedy already available apart from filing a suit, if he is so advised.

As a sequel to dismissal of the suit, IA.No.1 of 2018, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(T.Amarnath Goud, J)

Dt: 29th November, 2018
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