

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SRI JUSTICE M.GANGA RAO

WP.No.40494 of 2017

Date:07.06.2018

Between.

Munamarthi Venkata Poorna Shiva

Ramayya, S/o Venkata Suryanarayana Sharma

.....Petitioner

And.

The State of A.P., reptd., by its
Principal Secretary, Law & Legislative
Department, AP and two others.

.....Respondents

Counsel for the petitioner: Ms. N.Anula

For Mr. Mangena Sree Rama Rao

Counsel for respondent No.1: GP for Law & Legislative Dept (AP)

Counsel for respondent No.2: Mr. J.Anil Kumar

Counsel for respondent No.3: None appeared

The Court made the following:

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

This Writ Petition is filed for issue of *Certiorari* calling for the records pertaining to Award, dated 08.4.2017, in LAC.No.148 of 2017 on the file of the learned Senior Civil Judge-cum-Mandal Lok Adalat at Ramachandrapuram and to quash the same.

At the hearing, Ms. N.Anula, learned counsel representing Mr. Mangena Sree Rama Rao, the learned counsel for the petitioner, has not disputed the settlement reached between the petitioner on one side and respondent No.3 on the other side, as per which, the petitioner agreed to pay a sum of Rs.8 lakhs towards the full and final settlement of the claim made by respondent No.3 in O.S.No.53 of 2017. She, however, submitted that even before the said award was passed, her client has paid a sum of Rs.8 lakhs to respondent No.3, which was not mentioned in the said award due to the inadvertence of the petitioner.

In our opinion, the impugned Award cannot be said to suffer from any illegality merely because the alleged payment of Rs.8 lakhs by the petitioner to respondent No.3 is not referred therein. If the petitioner has really made the payment of Rs.8 lakhs to respondent No.3, he can adduce the evidence of such payment in EP.No.96 of 2017 pending on the file of the learned Senior Civil Judge, Ramachandrapuram.

In this view of the matter, the Writ Petition is dismissed, as wholly misconceived, however, without prejudice to the right of the petitioner to plead in EP.No.96 of 2017 that he has already discharged his liability as per the agreed settlement between him and respondent No.3, based on which the impugned Lok Adalat award was passed.

As a sequel to dismissal of the Writ Petition, WPMP.No.50253 of 2017 is dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE M.GANGA RAO

07th June, 2018

DR