

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT PETITION No. 45623 OF 2018

Order : (Per The Hon'ble The Chief Justice Sri Thottathil B. Radhakrishnan)

Heard.

2. This Writ Petition is filed challenging Ex.P1, the result of Lok Adalat award in a suit, O.S. No. 1 of 2004 on the file of the Court of the Principal District Judge at Visakhapatnam. That suit was settled in the Lok Adalat. The petitioner impeaches the aforesaid Lok Adalat award by calling it as a futile exercise and pleading that it may exclude his rights.

3. The petitioner is not a party to O.S. No. 1 of 2004 in which the award has been passed. He has now filed O.S. No. 516 of 2018 before the District Judge, Visakhapatnam. The question whether the rights of parties have crystallized, or not, is a matter, which is not to be dealt with in this jurisdiction now. There is no question of a person, who is not a party to the Lok Adalat award impeaching that award by saying that it is the result of fraud. The progress of O.S.No. 516 of 2018 will have to go through its due course, even if the Lok Adalat resultant decree in O.S. No.1 of 2004 is also placed before that Court by any other parties. The efficacy, binding nature, evidentiary value etc. as regards that award during the course of adjudication of O.S. No. 516 of 2018, are matters which would have to be dealt with by that Court.

4. The aforesaid do not provide for any foundation for us to exercise power under Article 226 of the Constitution of India and interfere with the Lok Adalat award.

5. The Writ Petition fails and the same is accordingly, dismissed.

THOTTATHIL B. RADHAKRISHNAN, CJ

15th December, 2018.
pnb

S.V. BHATT, J

