

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE T.AMARNATH GOUD

Appeal Suit No.1277 of 2017

Judgment: (per V.Ramasubramanian, J.)

The above appeal arises out of a decree passed in a suit filed under Section 92 CPC. The basis for the decree was that persons who were elected as office-bearers were guilty of mismanagement and that therefore election itself was not in accordance with law.

2. It appears that pending appeal, persons against whom allegations were made and which allegations formed the basis for the plaintiffs to seek the framing of a scheme died. Therefore, persons who obtained leave of the Court under Section 92 CPC expressed disinterest in continuing.

3. Therefore, the matter was referred to the Lok Adalat, in which the parties agreed that the suit may be dismissed as withdrawn. The Lok Adalat also passed an award accordingly on 08-02-2018. Therefore, the appeal has been posted before us for appropriate orders.

4. Generally, a suit under Section 92 CPC or an appeal arising therefrom cannot be referred to the Lok Adalat for compromise. The obligation of the Court under Section 92 CPC is to look beyond the adversarial nature of the lis between the parties before the Court and to take care of the interest of the public trust. Therefore, we cannot really

approve the reference of such an appeal to the Lok Adalat and a compromise being recorded therein.

5. Nevertheless, the Court is empowered to dismiss a suit filed under Section 92 CPC, if persons who obtained leave do not prosecute it. It appears that the persons who obtained leave do not want to prosecute the appeal, which is a continuation of the suit. Persons against whom the plaintiffs made allegations are also no more.

6. Therefore, the appeal is allowed and the decree in O.S.No.49 of 2000 is set aside and the suit O.S.No.49 of 2000 is dismissed. The miscellaneous petitions, if any, pending in this appeal shall stand closed. No costs.



V.RAMASUBRAMANIAN, J.

T.AMARNATH GOUD

05th March, 2018.
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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE T.AMARNATH GOUD

Appeal Suit No.1277 of 2017
(per VRS, J.)



05th March, 2018.
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