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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2019

CORAM:

THE HONOURABLE MRS.JUSTICE S.RAMATHILAGAM

CRP(MD) (PD) .No.1329 of 2018

and

C.M.P(MD) .No.5664 of 2018

Vaithilingam

: Petitioner/Defendant/Defendant

Vs.

S.Paneerselvam

:Respondent/Petitioner/Plaintiff

PRAYER : This Civil Revision Petition has filed under Article 227 of the Constitution of India to set aside the Lok-Adalat award dated 28.03.2017 in E.P.No.182 of 2017 in O.S.No.265 of 2011 on the file of the Principal Subordinate Court, Thanjavur.

For Petitioner : Mr.A.Muralikumar
For Respondent : Mr.N.Balakrishnan

O R D E R

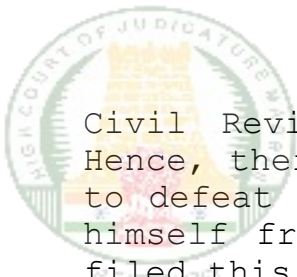
This Civil Revision petition has been preferred to set aside the Lok-Adalat award dated 28.03.2017 in E.P.No.182 of 2017 in O.S.No.265 of 2011 on the file of the Principal Subordinate Court, Thanjavur.

2.In the grounds of revision, the learned counsel for the petitioner contended that there is no valid reference and jurisdiction available to the Lok-Adalat to decide the dispute and hence, he wants to set aside the Lok-Adalat award.

3.I have heard the learned counsel appearing on either side and also perused the documents available on records.

4.It is observed that the petitioner/defendant has not stated any specific reason or any ground for setting aside the award, whereas, the respondent/plaintiff contended that only after the terms and settlement, the proposal was made and both the parties are appeared and in view of their settlement, the award was passed by the concerned authority. Hence, the purpose of filing this Civil Revision Petition disputing the Lok-Adalat award is not on merit and there was no ground for setting aside the said award.

5.Now the respondent/plaintiff has filed E.P., and the proceedings are also going on before the Executing court and after belated time, the petitioner/Judgment Debtor has preferred this



Civil Revision Petition for setting aside the Lok-Adalat award. Hence, there is no merit in the civil revision petition and in order to defeat the right of the respondent/plaintiff and also preventing himself from paying the amount, the petitioner/judgment debtor has filed this Civil Revision Petition.

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6. However, the learned counsel for the the petitioner/judgment debtor has given a undertaking that he will deposit the entire decree amount within one month from today. Recording the aforesaid undertaking, this Civil Revision Petition is allowed on condition that the petitioner/judgment debtor is directed to deposit the entire award amount within one month from today, failing which this civil revision petition shall stand automatically dismissed and the Executing Court is also directed to proceed the case at the earliest and the report of disposal has to be sent to this Court forthwith. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS II)

msa

To

1. The Principal Subordinate Judge, Thanjavur.

2. The District Legal Service Authority,
District Court Campus, Thanjavur-613 001.

1 CC to M/s.N.BALAKRISHNAN, Advocate (SR-61921[F] dated 23/04/2019)

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