

W.P.No.15727 of 2016 and W.M.P.No.13655 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISHKUMAR

**W.P.No.15727 of 2016
and W.M.P.No.13655 of 2016**

1 D.Parimala
W/o.S.Lakshmikanthan
Proposed Guardian of Minor Child
Master R.Vijay Akash
S/o.Late D.Rajendran ,
No.37 Mookathal Street, Purasawalkkam,
Chennai-7 ... PETITIONER

Vs.

1 The Member Secretary
Tamil Nadu State Legal Service Authority
High Court Campus Chennai-104.

2 The Honourable Principal Judge,
Family Court Chennai-104.

3 R.Patchaiammal
W/o.Late D.Rajendran No.4 Rajangkuppam
Padasala Salai Ayanambakkam Post
Maduravoyal Chennai-95. ... RESPONDENTS

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring that the Order passed in Lok-Adalat in Case No.G.W.O.P No.2417 of 2010 dated 9.4.2016 on the file of the Principal Family Court Chennai as nullity void illegal as it was passed without jurisdiction and also against a dead person.

For Petitioner : Mrs.G.V.Seethalakshmi
For Respondent No. 1 : Mr.A.Dhiraviyanathan

ORDER

The writ petition is filed challenging the order passed by the Lok Adalat in Case No.G.W.O.P No.2417 of 2010 dated 9.4.2016 on the file of the Principal Family Court Chennai.

2. The main contention of the petitioner is that the impugned order is passed as if the respondent has appeared and settled the dispute before the Lok Adalat.

3. Counsel appearing for both side submitted that the respondent died on 8.4.2016 itself whereas the order passed by Lok Adalat on 9.4.2016 shows that as if the respondent appeared before the Lok Adalat and based on the settlement, direction has been issued in respect of the custody of the minor child.

4. The impugned order passed by Lok Adalat assuming jurisdiction under Section 7 of Guardians and Wards Act, 1890, is not correct. Besides the order is passed after the death of the respondent, as if he is present and settled the dispute before the Lok Adalat. Such view of the matter, the impugned order cannot be sustained in the eye of law and the same is set aside.

5. Accordingly, the writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

30.11.2020

Speaking / Non Speaking order
Index : Yes/No
Internet : Yes/No
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To

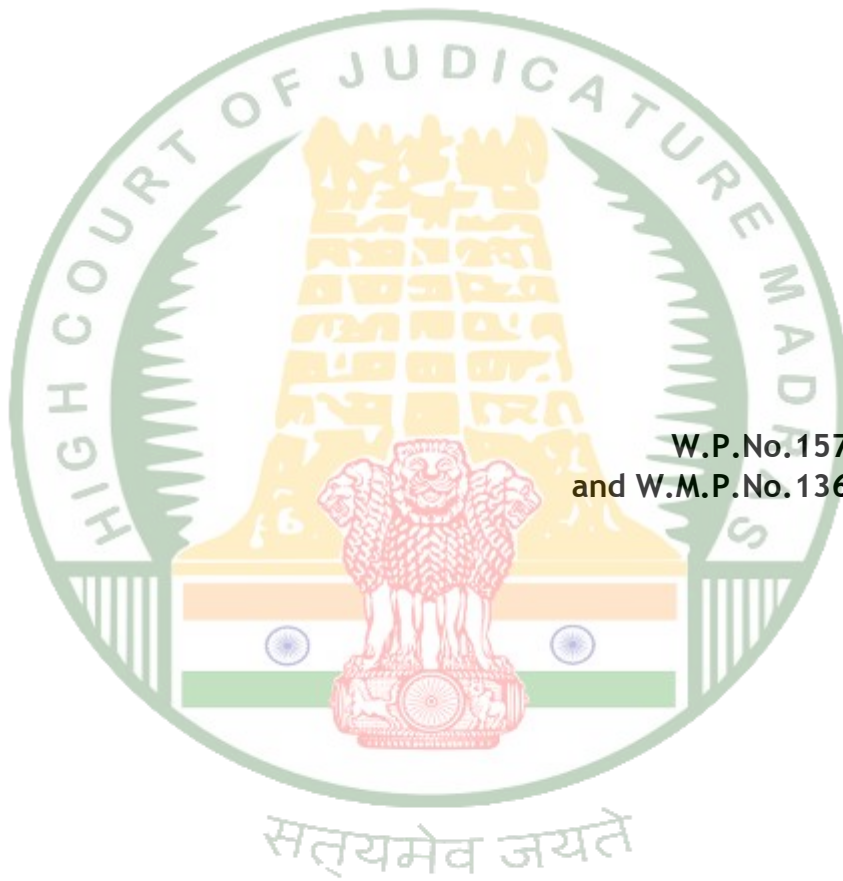
- 1 The Member Secretary
Tamil Nadu State Legal Service Authority,
High Court Campus Chennai-104.
- 2 The Honourable Principal Judge,
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N.SATHISHKUMAR, J.

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