

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP (NPD) No.376 of 2018

1. D.Sivakumar
2. D.Rajendran

...Petitioners

Vs.

D.Ravikumar

... Respondent

Prayer: The Civil Revision petition filed under Article 227 of Constitution of India, seeking equitable relief to struck off the petition pending in E.P.No.1 of 2017 in O.S.No.15 of 2014 on the file of the learned District Judge, Nilgiris, Udagamandalam as the same is not maintainable both in law and on facts.

For Petitioners : Dr.R.Gouri

For Respondent : Mr.D.Krishnapradeep

ORDER

The Judgment Debtors who had suffered an award before the Lok Adalat have come up with this revision, seeking rejection of an Execution petition filed by the respondents.

2. It appears that there was a dispute between the parties regarding a partnership business and the same became a subject matter of several rounds of litigation which culminated in an award by the Lok Adalat on 12.12.2015. An Execution petition was filed in E.P.No.15 of 2014, seeking execution of the award.

3. The said Execution petition is being resisted by the petitioners raising various contentions regarding the scope and ambit of the award as well as certain counter obligations on the part of the decree holder. The Judgment Debtors have also filed a detailed counter before the Executing Court. Even before the Executing Court could pronounce upon the claims and counter claims made in the Execution proceedings, the petitioners have come up with this revision under Article 227 of the Constitution of India,

seeking to strike of the E.P.

4. I do not think that this revision could be entertained. The question of executability of the award passed by the Lok Adalat can be raised before the Executing Court. It is open to the petitioners to raise all the contentions relating to the executability of the award and also the claims and the counter obligations on the part of the decree holder. It is for the Executing Court to decide on the questions raised. I do not think it is a fit case for interference under Article 227 of Constitution of India, more so when the Legal Services Authorities Act, 1987 makes it clear that an award of the Lok Adalat can be executed as a decree of the the Civil Court.

5. In view of the above, leaving it open to the petitioners to raise all their objections before the Executing Court, the Civil Revision petition is dismissed. No costs.

vum

24.08.2020

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R.SUBRAMANIAN, J.

vum

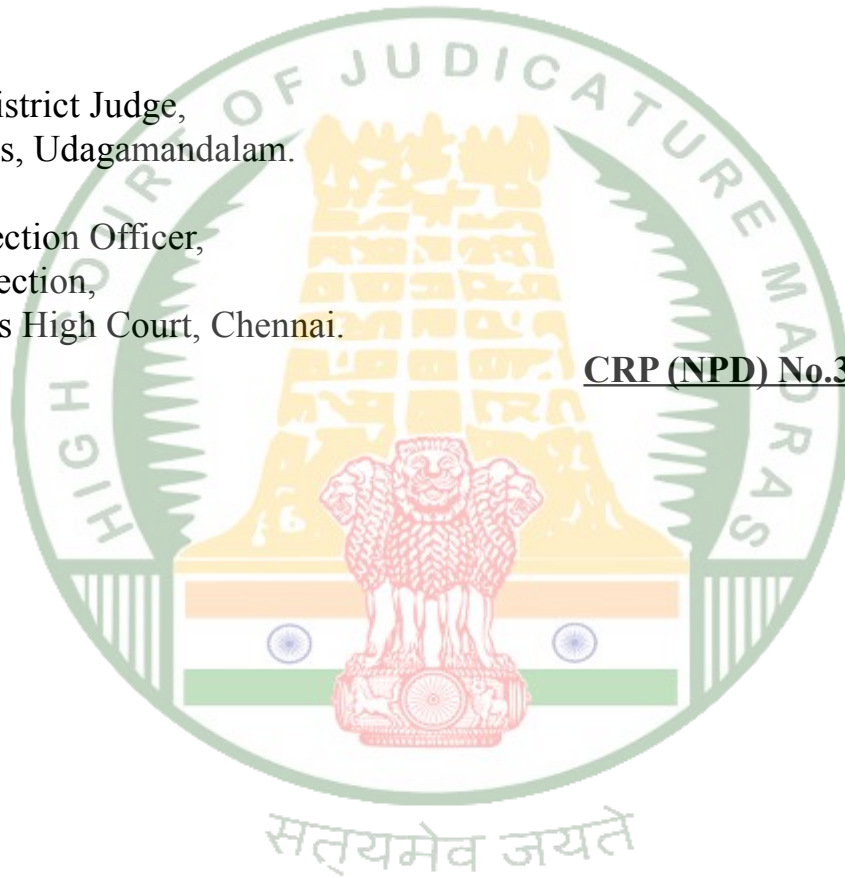
Index: Yes/No

Speaking order / Non speaking order

To:

1. The District Judge,
Nilgiris, Udagamandalam.
2. The Section Officer,
V.R. Section,
Madras High Court, Chennai.

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