

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.6027 OF 2022

MOGYA TEMBRYA VASAVE AND OTHERS
VERSUS
RAYA HUNYA VASAVE AND OTHERS

...
Advocate for Petitioners : Mr. Ruchir Subodh Wani
...

CORAM : MANGESH S. PATIL, J.

DATE : 28.06.2022

PER COURT :

The petitioners are aggrieved by the award passed by the Lok Adalat on 12.12.2020 in a suit filed by them for partition and separate possession, on the ground that it was obtained by practising fraud.

2. I have heard the learned advocate Mr. Wani for the petitioners.
3. Obviously, the allegations regarding alleged fraud would involve scrutiny of facts based on the evidence. Such an exercise is not possible to be undertaken while exercising a writ jurisdiction.
4. As is pointed out by the learned advocate Mr. Wani by referring to the decision of the Supreme Court in the matter of **K. Srinivasappa and Ors. Vs. M. Mallamma and Ors.; 2022 SCC OnLine SC 636**, a similar course will have to be adopted by the petitioners.
5. As can be seen, a similar Writ Petition challenging the award passed by the Lok Adalat on the ground of fraud was put up before the High

Court and it had referred the matter for being considered by the Lok Adalat itself. Although, the order passed by the High Court was ultimately set aside for want of sufficient and cogent reasoning and the material to arrive at a conclusion to set aside the order of the Lok Adalat, the course that was followed by the High Court in remanding the matter was not considered to be illegal.

6. In view of above, instead of entertaining the Writ Petition it would be appropriate that the petitioners are granted liberty to approach the Lok Adalat putting up the grievance of the alleged fraud.

7. The Writ Petition is disposed of with liberty to the petitioners to approach the Lok Adalat.

(MANGESH S. PATIL, J.)

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