



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Fourth day of March Two Thousand Twenty Two

PRESENT

THE HON`BLE MR.JUSTICE N.SESHASAYEE

CMP.No.3023 of 2022

IN CRP(NPD) .SR.No.13052 of 2022

MADHU

[PETITIONER]

Vs

1 P. RAJU

[RESPONDENTS]

2 VAIRAM

3 DHANAPAL

4 THE SUB REGISTRAR,
HARUR, DHARMAPURI DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant leave and permit the petitioners to challenging the Settlement Memo dated 29.03.2021 made in Lok Adalat Case No.58 of 2021 made in OS.No.44 of 2021 on the file of the Additional District Court, Dharmapuri (IN CMP.No.3023 of 2022)

XEROX COPY OF SCHEDULE OF PROPERTY IS ATTACHED

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.K.SUDHAKAR, Advocate for the Petitioner, the court made the following order:-

Leave is sought to challenge the award of the Lok Adalat dated 29.03.2021 passed in O.S. No. 44 of 2021 on the file of Additional District Court, Dharmapuri.

2. At the very outset, this Court outlined to the learned counsel for the proposed revision petitioner that it would be least inclined to meddle with an award of Lok Adalat in a revision proceedings unless there is a palpable fraud.



3. Contending that fraud indeed has been played on him, learned counsel submitted that the revision petitioner herein had entrusted a certain P. Raju, an Advocate, for initiating action of specific performance and as a prelude to that, he requested Mr.P. Raju to issue suit summons. The said advocate issued the suit summons to the defendants and thereafter, before filing the suit for specific performance, he entered into a sale agreement with the very persons to whom he had issued notice on behalf of the revision petitioner for purchasing the property with regard to which the revision petitioner holds a sale agreement.

4. Pursuant to the sale agreement that P. Raju had entered into, he had a sale deed executed by the revision petitioner's vendors and presented the matter before the Sub Registrar concerned. However, since the sale agreement in favour of revision petitioner was registered, the Sub Registrar concerned refused to register the sale agreement presented by P. Raju for registration. Thereafter, the said P. Raju filed O.S. No. 44 of 2021 for a mandatory injunction directing the Sub Registrar, Harur, Dharmapuri to register his sale deed dated 03.03.2021 and a further prayer seeking a prohibitory injunction against his vendors that the property should not be sold to third parties. Curiously enough, the State of Tamil Nadu was not made a party to the suit and this matter was referred to Lok Adalat and ultimately, Lok Adalat passed an award in terms of certain settlement entered into between the parties.

5. Learned counsel for the proposed revision petitioner submitted that the award of the Lok Adalat was registered and on it strength, some mutation of revenue records had also taken place.

6. If the narration of story line, as projected by the learned counsel for the proposed revision petitioner is considered, then, the counsel P. Raju appears to have played a huge fraud on the judicial process by manouvering his ambitions through loopholes available in the procedure.

7. Leave granted.

-sd/-
04/03/2022

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.



TO

THE ADDITIONAL DISTRICT JUDGE,
DHARMAPURI.

WEB COPY

Order
in
CMP.No.3023 of 2022

IN CRP(NPD).SR.No.13052 of 2022

Date :04/03/2022

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