



C.R.P.No.925 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

C.R.P.No.925 of 2015

and

M.P.No.1 of 2015

1.V.Santhi
2.S.Vetrivel

... Petitioners

Vs.

K.Dinakar
Proprietor,
M/s.Blue Moon Hi Q Restaurant,
5/136, Junction Main Road,
Near Devi Chit Funds,
Salem – 4.

... Respondent

Prayer : Civil Revision Petition is filed under Article 227 of the Constitution of India, against the fair and decretal order dated 14.07.2014 made in I.A.No.457 of 2014 in O.S.No.943 of 2013 on the file of the Principal District Munsif Court, Salem.

For P1 : Mr.T.S.Vijaya Raghavan

For Respondent : Mr.T.R.Rajaraman
for M/s.M.Rajasekar



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ORDER

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This Civil Revision Petition has been filed by the defendants challenging the fair and final order passed in I.A.No.457 of 2014 by the learned Principal District Munsif, Salem, dated 14.07.2014, dismissing the application filed under Order VII Rule 11 of C.P.C. for rejection of plaint.

2.The respondent/plaintiff filed the suit challenging the Award passed in the Lok Adalat in O.S.No.47 of 2010, dated 21.04.2010 in Lok Adalat Case No.134 of 2010. The respondent/plaintiff was a tenant in a suit property and he filed a suit in O.S.No.47 of 2010, seeking for the relief of permanent injunction not to evict him unless and otherwise by resorting to due process of law. The petitioners entered appearance in that suit and there was some compromise between the parties and the matter was referred to the Lok Adalat. The petitioners and the respondent appeared before the Lok Adalat and in terms of the settlement that was arrived at by both the parties, an Award came to be passed on 21.04.2010 in Lok Adalat Case No.134 of 2010. As per this Award, the respondent agreed to vacate and handover the property to the petitioners by 18.07.2011. Since the terms of settlement was not complied with by the respondent, the petitioners filed an Execution Petition in E.P.No.348 of 2011 to vacate the respondent from the suit



property. In the said Execution Petition, the respondent filed EA.No.201 of 2012 under Section 47 of C.P.C., and the same was pending. During the pendency of this application, the present suit came to be filed by the respondent in O.S.No.943 of 2013 challenging the Lok Adalat Award dated 21.04.2010.

3.The petitioners filed an application under Order VII Rule 11 of C.P.C. for rejection of plaint on the ground that the suit itself is barred by law. The Court below on considering the rival contentions, came to a conclusion that the suit is not barred by any law and accordingly, the application came to be dismissed by an order dated 14.07.2014. Aggrieved by the same, the defendants/petitioners have filed this civil revision petition.

4.Heard T.S.Vijaya Raghavan, learned counsel appearing on behalf of the 1st petitioner and Mr.T.R.Rajaraman, learned counsel appearing on behalf of the respondent.

5.The short question that arises for consideration in this civil revision petition is as to whether the suit filed by the respondent/plaintiff challenging the Lok Adalat Award can be maintained or whether the same is barred by law?



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6.The issue that is involved in the civil revision petition is no longer *res integra* and it is squarely covered by the judgment of the Apex Court in ***Bhargavi Constructions and Another vs. Kothakapu Muthyam Reddy and Others*** reported in **2017 5 CTC 775**. The Apex Court categorically held that the Lok Adalat Award cannot be challenged by way of filing a suit and it can only be challenged under Article 226 or Article 227 of the Constitution of India. In view of this judgment, the suit that was filed by the respondent/plaintiff is clearly not maintainable. In view of the same, the fair and final order passed by the Court below requires the interference of this Court and accordingly, the same is set aside and the plaint stands rejected.

7.In the result, this Criminal Revision Petition stands allowed. No Costs. Consequently, connected miscellaneous petition is closed.

08.12.2022

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr



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To

The Principal District Munsif, Salem.



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N. ANAND VENKATESH, J.

ssr

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