



C.R.P. (PD) No.2998 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

Civil Revision Petition (PD) No.2998 of 2021

1. Palaniammal

2. Govindammal

.. Petitioners

Vs.

R. Duraisamy

.. Respondent

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to direct the learned Principal District Judge, Tiruppur to pass decree recording the Lok Adalat Award dated 11.08.2021 in O.S.No.333 of 2021.

For Petitioners : Mr.J. Hariharan
for Mr.Manojkumar N
For Respondent : Mr.B.Bharath Kumar



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ORDER

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The challenge in this Revision is to the directions issued by the learned Principal District Judge, Tiruppur, on 01.09.2021 requiring the Commissioner to inspect the property and ascertain the market value of the property which is the subject matter of the suit in OS No.333 of 2021 and submit the Report.

2. The suit in OS No.333 of 2021 was filed by the petitioners herein seeking their 2/3rd share. The matter was referred to Lok Adalat organised by the District Legal Services Committee, Tiruppur, on 11.08.2021. A compromise was entered into between the parties and an award came to be passed by the Lok Adalat on the said date. Thereafter, the learned Principal District Judge, had passed the impugned directions on 01.09.2021.

3. Mr.J.Hariharan, learned counsel appearing for the petitioner would submit that the Court had no jurisdiction to pass any order once the proceedings are determined by way of an award passed by the Lok Adalat. Inviting my attention to Section 21 of the Legal Services Authorities Act,



1987, which reads as follows:
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21. Award of Lok Adalat.—

(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section(1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870).]

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

The learned counsel would submit that once the Lok Adalat passes an award, the proceedings will terminate and the Court had no jurisdiction to pass any further order in the suit.



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4. Mr.Bharathkumar, learned counsel appearing for the respondent is an unenviable position as he is unable to support the order of the Trial Court.

5. As could be seen from the proceedings the Lok Adalat has passed a comprehensive award based on the compromise reached between the parties on 11.08.2021. Once the Lok Adalat passes an award on 11.08.2021, the Court had no further role in the matter as the award of the Lok Adalat is deemed to be a decree in the suit. Therefore, the further directions of the Court are liable to be set aside and are accordingly set aside. The Revision is allowed. The award of the Lok Adalat will be the decree in OS No.333 of 2021. There shall be no order as to costs.

02.02.2022

jv

Index: No

Internet: Yes

Speaking order



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To

1. The Principal District Judge,
Tiruppur.
2. The Section Officer,
V.R.Section,
High Court of Madras.



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R.SUBRAMANIAN, J.

jv

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