



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

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THE HONOURABLE MRS.JUSTICE S. ANANTHI

C.R.P (MD) .No.1718 of 2021 and
CMP (MD) .No.9177 of 2021

1.Ananda Merlin
2.Aathi Lakshmi
3.Raja Rajeswari

: Petitioners / Respondents

Vs.

Rajasangeetha

: Respondent / Petitioner

PRAYER:- Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order passed by the Chairman / District Judge, Permanent Lok Adalat, Tirunelveli, dated 08.10.2021 under PLA.Case.No.07 of 2021.

For petitioners : Mr. K.R.Laxman

For Respondent : Mr.S. Sathya Chidambaram

ORDER

The revision petitioners / respondents filed this revision to set aside the order, dated 08.10.2021 passed in PLA.Case.No.07 of 2021 on the file of the Chairman / District Judge, Permanent Lok Adalat, Tirunelveli.

2. Heard the learned counsel appearing for both sides and perused the materials available on record.

3. The respondent in the Civil Revision Petition filed a petition in PLA.Case.No.07 of 2021 before the Permanent Lok Adalat for returning his original certificates, which were stated to be handed over to the revision petitioners. No compromise has been entered into between the parties before the Lok Adalat. However, the Lok Adalat without conciliation and also the terms between the parties, straight away passed a direction to the revision petitioners to hand over the original certificates to the respondent. The revision petitioners already denied that the original certificates were handed over to them. So, only after evidence it can be decided, whether the certificates were handed over to the revision petitioners or not.



4. In support of his contention, the learned counsel appearing for the petitioners relied on the Judgment of the Hon'ble Supreme Court **in Civil Appeal No.8181 of 2010 in the case of Shyamalika Das Vs. General Manager, Gridco and another.** The relevant paragraphs 6 and 7 reads as follows:

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"6. We may usefully refer to the following observations made by this Court in *State of Punjab Vs. Jalour Singh* - 2008 (2) SCC 660 made with reference to lok adalat which will equally apply to the other forms of non-adjudicatory dispute resolution process:

"It is evident from the provisions that Lok Adalat have no adjudicatory or judicial functions. Their functions relate purely to conciliation. A Lok Adalat determines a reference on the basis of of a compromise or settlement between the parties at its instance, and put its seal of confirmation by making an award in terms of the compromise or settlement. When the Lok Adalat is not able to arrive at a settlement of compromise, no award is made and the case record is returned to the court from which the reference was received, for disposal in accordance with law. No Lok Adalat has the power to "hear" parties to adjudicate cases as a court does. It discusses the subject matter with the parties and persuades them to arrive at a discusses the subject matter with the parties and persuades them to arrive at a just settlement. In their conciliatory roe, the Lok Adalats are guided by principles of justice, equity, fair play. When the LSA Act refers to 'determination' by the Lok Adalat and 'award' by the Lok Adalat, the said Act does not contemplates nor require an adjudicatory judicial determination, but a non adjudicatory determination based on a compromise or settlement, arrived at by the parties, with guidance and assistance from the Lok Adalat. The 'award' of the Lok Adalat does not mean any independent verdict or opinion arrived at by any decision making process. The making of the award is merely an administrative act of incorporating the terms of settlement or compromise agreed by parties in the presence of the Lok Adalat, in the form of an executable order under the signature and seal of the Lok Adalat".

<https://hcservices.ecourts.gov.in/hcservices/>



7. In this case, the decision of the High Court is neither in the exercise of its judicial power to decide the lis before it, nor as a consequence of the learned Single Judge acting as a facilitator (that is as a Conciliator or Mediator of Lok Adalat) enabling the parties to arrive at a settlement. Nor was any 'judicial statement' attempted or arrived at. There was no negotiations between the parties and no settlement between the parties. What the court has assumed is a jurisdiction, which is an extraordinary amalgamation of imagined judicial and conciliatory power, unknown to the system of law which is followed in Indian Courts."

5. So, without any compromise, the Lok Adalat cannot pass an order with a direction to hand over the certificates to the respondent. Hence, this Court is inclined to allow this revision by setting aside the order, dated 08.10.2021 passed in PLA.Case.No.07 of 2021 on the file of the Chairman / District Judge, Permanent Lok Adalat, Tirunelveli.

6. Accordingly, the Civil Revision Petition is allowed. However, the respondent is given a liberty to file a suit. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

To

The Chairman / District Judge, Permanent Lok Adalat, Tirunelveli,

+1 CC to M/s.K.R. LAXMAN, Advocate (SR-16945[F] dated 06/04/2022)

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