



C.R.P (MD) No.2115 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

C.R.P (MD) No.2115 of 2017

and

C.M.P (MD) Nos.10529 of 2017 and 2783 of 2018

M.Karuppasamy
S/o.Muthuraj

... Petitioner

Vs

R.Karuppasamy
S/o.Late Ramasamy Reddiyar

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records and to set aside the award passed in O.S.No.89of 2014 on the file of the (Lok Adalat) District Munsif cum Judicial Magistrate Court, Vilathikulam dated 11.02.2017 as the same is passed on the basis of the fraud played by the respondent herein by allowing this Civil Revision Petition.

For Petitioner : Mr.Ananth C.Rajesh

For Respondent : Mr.Jerim Mathew



C.R.P (MD) No.2115 of 2017

ORDER

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This civil revision petition has been filed as against the award passed in O.S.No.89 of 2014 in Lok Adalat on the file of the District Munsif cum Judicial Magistrate Court, Vilathikulam on 11.02.2017, based on the affidavit filed by the respondent herein.

2.The learned Counsel for the petitioner submits that the suit in O.S.No.89 of 2007 was filed by the petitioner for declaration and permanent injunction and for mandatory injunction to remove certain superstructure on the land in dispute. The petitioner also took an application for appointment of Advocate Commissioner. The Commissioner was also appointed and he came to the suit property to inspect the property. At that point of time, without the knowledge of the petitioner/plaintiff, the suit was referred to Lok Adalat on 11.02.2017. The respondent by impersonating the petitioner by third party made settlement in the Lok Adalat as against the petitioner.



C.R.P (MD) No.2115 of 2017

3. According to the learned Counsel for the petitioner, the petitioner was not present in the Lok Adalat and without his knowledge, the settlement was recorded in the Lok Adalat proceedings.

4. Heard the learned Counsel on either side.

5. It appears that in the Lok Adalat without verifying the identity of the parties, who appeared before the Lok Adalat, award was passed in suit in O.S.No.89 of 2007. The petitioner has also filed a miscellaneous petition in CMP(MD)No.2783 of 2018, to implead the Counsel. However, he sought permission of this Court to withdraw the said miscellaneous petition and made an endorsement to that effect.

6. While being so, since the learned Counsel for the petitioner prayed that the matter be remanded back to the trial Court and he is not pressing the impleading petition, this Court is not inclined to go to in the issue.



C.R.P (MD) No.2115 of 2017

7. In view of the above, the case is remanded back to the trial Court to try the suit and to dispose it of as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, CMP (MD) No.2783 of 2018 is dismissed as withdrawn and CMP (MD) No.10529 of 2017 is closed.

28.06.2022

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To

The District Munsif cum
Judicial Magistrate Court,
Vilathikulam.



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C.R.P (MD) No.2115 of 2017

B.PUGALENDHI, J.

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C.R.P (MD) No.2115 of 2017

28.06.2022