



W.P.Nos.6835 and 6946 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6835 and 6946 of 2020

and

W.M.P.Nos.8143, 8145 and 8287 of 2020

V.Thangamuthu

... Petitioner
in both W.Ps

Vs.

1. The District Legal Services Authority,
Kangeyam,
Tiruppur District.

... 1st Respondent
in both W.Ps

2. G.V.Balusamy

... 2nd Respondent
in W.P.No.6835 of 2020

3. S.Manoharan

... 2nd Respondent
in W.P.No.6946 of 2020

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for records of the Lok Adalat Award Nos.49 and 22 of 2013 dated 23.11.2013 on the file of the first respondent and quash the same.



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For Petitioner
in both W.Ps : Mr.R.Rajarajan

For Respondents : Mrs.M.Senthil Selvi
in both W.Ps Government Advocate for R1
Mr.Mathivanan for R2

COMMON ORDER

The impugned Lok Adalat Award Nos.49 and 22 of 2013 dated 23.11.2013 passed by the first respondent, is under challenge in these Writ Petitions.

2. The case of the petitioner is that the second respondent in both the Writ Petitions have filed C.C.Nos.248 and 254 of 2013 as against the petitioner herein under Sections 138 and 142 of the Negotiable Instrument Act. Both the cases were taken up for settlement in the Lok Adalat and an award dated 23.11.2013 was passed. The petitioner sought for an adjournment of one month and no settlement was arrived between the petitioner and the second respondent respectively. However, without any authority, the Lok Adalat award was passed against the petitioner. The petitioner alleges errors in the Lok Adalat awards as the numbers have been



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interchanged and his signature has been obtained fraudulently. Pursuant to the Lok Adalat awards, execution proceedings have also been taken by the second respondent respectively before the Sub Court, Dharapuram. Hence, the petitioner challenges the awards passed by the Lok Adalat.

3. The learned counsel appearing for the petitioner submits that the Lok Adalat awards was challenged only on the ground that there was a settlement memo in Lok Adalat Case No.49 of 2013 in C.C.No.248 of 2013 and similarly, there was another Lok Adalat Case No.22 of 2013 in C.C.No.254 of 2013. However in the signature portion, the Lok Adalat Case is mentioned as Lok Adalat Case No.49 of 2013 and they have obtained signature of the petitioner. Similarly, in the other case, the Lok Adalat Case is mentioned as 22 instead of 49 and alleging fraudulent transaction in the passing of the Lok Adalat awards based on which the entire claim of the respondents rests, these Writ Petitions have been filed. The petitioner also states that the complainant in each of the Lok Adalat award is also different.



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4. Per contra, the learned Government Advocate for the first respondent would submit that admittedly the criminal case in C.C.Nos.248 and 254 of 2013 was referred to the Lok Adalat. In the first case, i.e., in C.C.No.248 of 2013, it is clearly mentioned as Lok Adalat Case No.49 of 2013 and the parties in the above said criminal case are G.V.Balusamy and V.Thangamutu. In the second case, i.e., in C.C.No.254 of 2013, it is clearly mentioned as Lok Adalat Case No.22 of 2013 and the parties are S.Manoharan and V.Thangamuthu. However, inadvertently, the officials have mentioned 49 instead of 22 and 22 instead of 49 and the signature of the party / petitioner is one and the same, but the name of the second respondent is different. Hence, the petitioner cannot take advantage of the errors crept in the Lok Adalat awards and deny his signature. Therefore, the learned Government Advocate seeks dismissal of the Writ Petitions.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.



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6. On a perusal of the awards passed by the Lok Adalat, it is seen that both the awards are passed as against the petitioner herein on the mutual understanding with the respondents / complainants therein respectively. Hence, the petitioner cannot now seek remedy before this Court on the ground of errors in the Lok Adalat awards as both the awards are passed as against the petitioner. Hence, no ground is made out to set aside the Lok Adalat awards.

7. Accordingly, these Writ Petitions are dismissed in the above terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

23.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

The District Legal Services Authority,
Kangayam, Tiruppur District.



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