



WEB COPY



CRP No.2868 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 06.12.2023

CORAM :

**THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI**

Civil Revision Petition No.2868 of 2023  
and  
CMP.No.17766 of 2023

M.Amirthalingam

... Petitioner

Versus

K.Kulanthaivelu

...Respondent

Civil Revision Petition filed Under Article 227 of Constitution of India,  
praying to direct the I Additional District Munsif, Coimbatore to strike of the  
suit in O.S.No.428 of 2023.

For Petitioner : Mr.R.Bharath Kumar  
For Respondent : Mr.S.Anand Venkatesh

**ORDER**

The petitioner has filed this revision petition to direct the learned I  
Additional District Munsif, Coimbatore to strike off the suit in O.S.No.428 of  
2023.



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WEB COPY 2. Heard Mr.R.Bharath Kumar, learned counsel for the petitioner, Mr.S.Anand Venkatesh, learned counsel appearing for the respondent and perused the materials available on record.

3. The revision petitioner is the defendant who filed this CRP praying to strike off the plaint in O.S.No.428 of 2023 filed by the respondent / plaintiff for the reason that that the plaintiff wants to declare the Lok Adalat Award as a document in the present plaint praying to declare the Lok Adalat Award for the reason that he has filed a suit to declare the decree and judgement passed on 12.11.2016 in O.S.No.1175 of 2016, on the file of the Principal District Munsif, Coimbatore. In fact, the same was passed based on the Lok Adalat Award, wherein both the parties have appeared and agreed for settling the issues. Accordingly, the Award was passed in the Lok Adalat, and based on that, decree was passed. Therefore, the revision petitioner / plaintiff is not entitled to seek to set aside the said Lok Adalat award, for which he relied upon the decision of the *Hon'ble Supreme Court, in the case of "Bhargavi Constructions and another vs. Kothakapu Muthyam Reddy and others" reported in (2018) 13 SCC 480* which reads as follows:



*"24. In our considered view, the aforesaid law laid down by this Court is binding on all the Courts in the country by virtue of mandate of Article 141 of the Constitution. This court, in no uncertain terms, has laid down that challenge to the award of Lok Adalat can be done only by filling a Writ petition under Article 226 and / or Article 227 of the Constitution of India in the High Court and that too on very limited grounds. In the light of clear pronouncement of the law by this Court, we are of the opinion that the only remedy available to the aggrieved person (respondents herein / plaintiffs) was to file a writ petition under Article 226 and / or Article 227 of the Constitution of India in the High Court for challenging the award dated 22.08.2007 passed by the Lok Adalat. It was then for the Writ Court to decide as to whether any ground was made out by the writ petitioners for quashing the award and, if so, whether those grounds are sufficient for its quashing."*

4. Challenging the Lok Adalat Award only by filing the revision petition under Article 227 of the Constitution of India, the counsel for the revision petitioner submits that by invoking the Article 227 of Constitution of India, now he filed this revision petition and he wanted to strike off the plaint, through which the plaintiff wanted to set aside the Lok Adalat Award.



5. By way of reply, the learned counsel for the respondent submitted that before the Lok Adalat Award, even prior to that, the respondent / plaintiff in the present suit was under threat by the revision petitioner and on his instructions by way of the Lok Adalat Award, it is stated that the Award was not passed with full consent. Therefore, he raised objection in respect of the said Award. Subsequently, the suit was filed by the present revision petitioner in O.S.No.179 of 2017.

6. On a perusal of the records, it reveals that subsequently, based on the Lok Adalat Award, the respondent has to execute the sale deed. The revision petitioner has filed suit in O.S.No.179 of 2017 under Section 42 of CPC praying for specific performance directing him to execute the sale deed in that suit, and the respondent herein has filed a written statement denying the plaintiff claim as well as contended that the Lok Adalat award was executed under the threat by miss-representation and also submitted that he has been taking steps to set aside the Lok Adalat decree by submitting their written statement. Thereafter, before the trial Court he filled a memo submitting to the decree. Accordingly, decree was passed in the suit in O.S.No.179 of 2017. To execute the sale deed, now the revision petitioner has preferred an E.P.No.214 of 2019. Now, the learned counsel for the revision petitioner submitted that, on receipt of the said notice,



the respondent herein has filed the present suit as if the Lok Adalat Award was obtained fraudulently. In order to avoid the execution of the sale deed proceedings, he has come forward with such plea, and it cannot be entertained and also it is totally against the terms of the Lok Adalat Award. Hence, he wanted to strike off the plaint.

7. On a perusal of the earlier written statement filed by the 1<sup>st</sup> defendant in O.S.No.179 of 2017, he raised objection in respect of the Lok Adalat Award. According to him, in Para 12 of the said statement, he has stated that he was forced to take the Lok Adalat proceedings by the plaintiff / the revision petitioner herein and asked him to sign in the papers. Accordingly, he wants forcibly to sign, believing the words. As per the submission made by the learned counsel for the respondent, he was not aware of the suit proceedings. Therefore, already he raised objection by filling written statement stating that not receiving full sale consideration and the Bank account also was opened by the revision petitioner and no sale consideration was received, therefore, before filing the present suit, already the respondent has raised objection in respect of the Lok Adalat Award. Therefore, this Court is not inclined to strike off the plaint on the face of it.



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8. Since the respondent has raised lots of objection in respect of execution of the Lok Adalat award, liberty is granted to the revision petitioner to work out the remedy before the trial Court by either by invoking Order VII Rule 1 of CPC or through trial. If any such application is filed, the learned trial Judge is directed to dispose of the application within a period of three months from the date of receipt of a copy of this order.

9. In view of the above, this Civil Revision Petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

**06.12.2023**

Index : Yes/No  
Speaking/Non Speaking order  
Neutral Citation: Yes/No

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To

1. The I Additional District Munsif, Coimbatore.
2. The Section Officer,  
VR-Section, High Court of Madras.



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**T.V.THAMILSELVI, J.**

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