



C.R.P.No.3357 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

C.R.P.No.3357 of 2017

and

C.M.P.No.15596 of 2017

Prithiviraj (died)

Gomathi

(the petitioner is brought on record
as LR of the deceased petitioner
vide Court order dated 12.01.2023
made in CMP Nos.14245 to 14247 of 2018
in CRP No.3357 of 2017)

.... Petitioner

Vs

1. Subramanian
2. Rajendran
3. Nagarajan
4. Pandian
5. Palaniammal

6. Minor Arun Prakash
represented by her mother and
natural guardian Lakshmi

Dhanabagiyam (Died)



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7. Thangammal
8. Narayanan
9. Anjalai
10. Sabari

.... Respondents

Prayer :- Civil Revision Petition is filed under Article 227 of Constitution of India to set aside the award dated 26.06.2014 passed in L.A.C.No.219 of 2014 on the file of Taluk Legal Services Committee, Kallakurichi in O.S.No.35 of 2008 on the file of the Subordinate Judge, Kallakurichi and allow the above CRP and directed the learned Subordinate Judge, Kallakurichi to dispose of the suit in accordance with law.

For Petitioner	:	Mr.R.Bharath Kumar
For R1	:	Mr.R.Sampath
For R2 to R5	:	Mr.C.M.Mohanasundaram
R7	:	Mr.R.Kumaravel
R6, R8 to R10	:	No appearance

ORDER

This Civil Revision Petition has been filed challenging the Lok Adalat award passed in LAC No.2014 in O.S.No.35 of 2018 on the file of the Sub Court, Kallakurichi.

2. The first respondent herein filed a suit for partition in O.S.No.35 of 2008 as against the petitioner herein, since deceased, and the respondents 2 to 10 herein for partition. In the said suit, the petitioner was



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arrayed as 8th defendant. Pending suit, except the petitioner, other parties entered into a compromise and the suit was referred before the Lok Adalat. Before Lok Adalat, a joint compromise, in respect of allotment of suit property, was filed and accordingly, the Lok Adalat passed an award on 26.06.2014 in LAC No.219 of 2014. The specific case of the petitioner is that he had never engaged any counsel on his behalf. However, other respondents engaged counsel and they had fraudulently arranged a counsel to appear on his behalf and subsequently the suit was referred before the Lok Adalat.

3. He also noticed that fraud has been played by the parties to deprive the petitioner's share in the suit properties and the entire settlement has been effected behind his back under the guise of the Lok Adalat. It was also asserted by the petitioner, since deceased, that he had never signed any vakalath and the signature found in the vakalath is not his signature and that he was never a party to the Lok Adalat award dated 26.06.2014 passed in L.A.C.No. 219 of 2014. Therefore, the deceased petitioner caused notice on 23.08.2016 calling upon the parties to divide the properties and allotment of



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a legitimate share to him by contending that the award passed dated 26.06.2014 in LAC No.219 of 2014 is void and not binding on the petitioner.

4. Though no appeal would lie as against the award passed by the Lok Adalat as per Section 21 of Legal Services Authorities Act, this Court has ample power, under Article 227 of Constitution of India, to set aside the Lok Adalat Award if any fraud was played by the parties to get Lok Adalat Award.

4. In the case on hand, it is seen from the records that the petitioner, wince deceased, nowhere signed the joint compromise memo in the Lok Adalat award. Further, pending Civil Revision Petition, the sole petitioner died and her mother ws impleaded as a petitioner in the place of the deceased petitioner.

5. In view of the above, the Lok Adalat award passed in LAC No.2014 in O.S.No.35 of 2018 on the file of the Sub Court, Kallakurichi, is



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hereby set aside. Accordingly, this Civil Revision Petition stands allowed and the suit in O.S.No.35 of 2008 on the file of the Subordinate Judge, Kallakurichi, is remanded back for fresh disposal on merits and in accordance with law. The Trial Court is directed to dispose of the suit within a period of six months from the date of receipt of a copy of this order.

12.01.2023

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No
Lpp

To

The Subordinate Judge,
Kallakurichi.



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G.K.ILANTHIRAIYAN, J.

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