



C.R.P(MD).No.912 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.R.P(MD).No.912 of 2023

and

CMP(MD)No.4195 of 2023

Sahaya Kumari

... Petitioner/Judgment Debtor/
Defendant

Vs.

Wilson

... Respondent/Decree Holder/Plaintiff

PRAYER:- This Civil Revision Petition has been filed under Article 227 of the Constitution of India, to set-aside the award dated 13.08.2022 made in E.P.No.59 of 2019 in O.S.No.42 of 2019 on the file Sub-Court, Valliyoor (Lok Adalat Case No.100 of 2022) and allow the Civil Revision Petition.

For petitioner : Mr.V.Sasikumar

ORDER

This petition has been filed to set-aside the award dated 13.08.2022 made in E.P.No.59 of 2019 in O.S.No.42 of 2019 on the file Sub-Court, Valliyoor (Lok Adalat Case No.100 of 2022).

2.The petitioner is the defendant in O.S.No.42 of 2019 before the Sub Court, Valliyur.



3.The case of the petitioner is that the petitioner executed a sale deed in favour of the respondent under coercion. The petitioner purchased the suit schedule property on 26.04.2012 and with an intention to borrow Rs.2 lakhs to putting up a construction over the property, he had executed a sale deed on 11.09.2014 in favour of the respondent. It is submitted that the suit that was filed by the respondent before the Sub Court, Valliyur in O.S.No.42 of 2019 was decreed. Pursuant to which, the respondent also filed E.P.No.59 of 2019 and that the case was referred to Lok Adalat, which was held at Sub Court, Valliyur. It is submitted that the signature was obtained from the petitioner was under coercion. Hence, the present petition has been filed by the petitioner to set aside the award dated 13.08.2022 made in E.P.No.59 of 2019 in O.S.No.42 of 2019.

4.There is no merit in the present Civil Revision Petition to set aside the award passed on 13.08.2022. The petitioner is the party to the proceedings. The award was not only signed by the petitioner but also by the respondent in the presence of their respective counsel. Lok Adalat itself was held in the presence of learned Sub Judge, Valliyur and the Principal District Munsif, Valliyur.



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5. Therefore, this Civil Revision Petition cannot be countenanced.

There is no case made out to infer of Court proceeding to abuse warrant on interference under Article 227 of Constitution of India. Liberty is however given to the petitioner to work out his remedy in the manner known to law for filing appropriate petition to annul the award dated 13.08.2022 in E.P.No. 59 of 2019 in O.S.No.42 of 2019.

6. With the above direction, this Civil Revision Petition is dismissed.

No costs. Consequently, the connected miscellaneous petition is closed.

03.04.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss
To

1. The Sub-Court,
Valliyoor.

2. The Record Keeper,
V.R Section,
Madurai Bench of Madras High Court, Madurai.



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C.SARAVANAN,J.

dss

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