



W.P.(MD)No.22521 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.22521 of 2021

V.N.Pakkirisamy

... Petitioner

Vs.

1.The Sub Registrar,
O/o. Sub Registrar,
Peravurani Taluk,
Thanjavur District.

2.N.Muthuraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to register the lok adalath award dated 03.11.2020 as credit receipt (வரவு ரசீது) for due in respect of the simple mortgage executed by the petitioner herein dated 15.03.2006 as document No. 682/2021 on the file of the 1st respondent herein in favor of the 2nd respondent within the time stipulated by this Court.

For Petitioner

: Mr.D.R.Murugesan

For R-1

: Mr.B.Saravanan,
Additional Government Pleader



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ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the first respondent to register the Lok Adalat Award dated 08.02.2020.

2. Heard the learned counsel on either side.

3. There was a dispute between the petitioner and the second respondent, since the petitioner had borrowed a loan from the second respondent and has given his property as a security. The second respondent filed a suit in O.S.No.13 of 2018 before the learned Additional District Judge, Pattukottai, for recovery of money.

4. There was a settlement between the parties before the Lok Adalat and an award was passed by the Lok Adalat on 08.02.2020. The petitioner wanted to register this Lok Adalat award before the first respondent. Since the same was not acted upon, the present Writ Petition has been filed before this Court.



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5. Section 21 of the Legal Services Authority Act, 1987, reads

as follows:

“21. Award of Lok Adalat.—

[(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section(1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870).]

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.”

6. It is clear from the above that every award of the Lok Adalat shall be deemed to be a Decree of a Civil Court. Hence, the Lok Adalat Award has to be dealt with like a Decree and the procedure that has to be followed for registering a decree has to be followed even for a Lok Adalat Award.



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7. In view of the above, there shall be a direction to the first respondent to accept the Certified Copy of the Lok Adalat Award passed in O.S.No.13 of 2018, dated 08.02.2020 and register the same subject to the petitioner fulfilling all the other requirements. It is made clear that the first respondent will not refuse to register on the ground of limitation under Section 23 of the Registration Act, 1908, since this provision will not apply in case of a Decree.

8. This Writ Petition is disposed of with the above directions.

No costs.

22.11.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

The Sub Registrar,

O/o.Sub Registrar,

Peravurani Taluk,

Thanjavur District.



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N.ANAND VENKATESH, J.

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