



C.R.P(MD)No.2219 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2023

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THE HON'BLE MR.JUSTICE C.KUMARAPPAN

C.R.P(MD)No.2219 of 2018
and
C.M.P(MD)Nos.9993 and 9994 of 2018

M.Raja Mohammed

...Petitioner/4th Defendant

Vs.

1.M.krishnan

2.N.Thirumalaivelu Mudaliyar

3.S.Sankaranarayanan

...1 to 3 Respondents/
Plaintiffs

*(The above 1 to 3 Respondents/plaintiffs
for themselves and Senayar Kodikkal
Vivasayigal Sangam Regn.No.58/72 at
Puliyankudi Kasba through its present
President, Secretary and Treasurer)*

4.Khan Abdul Kafar Khan

5.M.Alavudeen

6.M.Raja Mohammed Jaheer Hussain

...4 to 6 Respondents/
1 to 3 Defendants

7.The Sub-Registrar,
Office of the Sub-Registrar,
Puliyankudi,
Tirunelveli District.

...7th Respondent/
5th Defendant



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PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the award dated 05.04.2016 passed by the Lok Adalat in O.S.No.29 of 2016 on the file of the District Munsif Court, Sivagiri.

For Petitioner : Mr.S.A.Ganapathy Raman

For R1 to R3 : Mr.F.X.Eugene

For R4 & R5 : Mr.Ramesh @ Ramiah

For R6 : Mr.R.Suriya Narayanan

For R7 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This civil revision petition has been filed against the order passed by the Lok Adalat in O.S.No.29 of 2016 on the file of the District Munsif Court, Sivagiri, dated 05.04.2016.

2. The brief facts which give rise to the filing of the instant civil revision petition is that, there was a suit between the petitioner and other persons. The same was referred to Lok Adalat. In the Lok Adalat, the same was settled vide Lok Adalat award, dated 05.04.2016. However, the revision petitioner sent a complaint to the Taluk Legal Aid Committee, vide his complaint, dated 17.07.2017 alleging impersonation and forgery.



Since there is no remedy forth coming to the petitioner, he has approached this Court. It is pertinent to mention here that there is no impugned order for the petitioner to file the instant civil revision petition.

3. The learned counsel for the petitioner would submit that the petitioner is a differently abled person, and that by playing fraud, the respondents 1 to 6 have impersonated him and forged his signature in the Lok Adalat award. He would also submit that he has never gone to the Lok Adalat on 05.04.2016. Therefore, the award passed on 05.04.2016 in O.S.No.29 of 2016 is liable to be set aside on the ground of fraud. In support of his contention, the learned counsel for the petitioner relied on the following judgments:

(a) M.Antonysamy Vs S.Mumtaj and others (C.R.P(NPD)No.3868 of 2017).

(b) S.Mathiyazhagan Vs. M.Palanisamy and others (C.R.P.No.269 of 2016)

4. Per contra, the learned counsel for the respondents would submit that the petitioner has appeared before the trial Court, and that he has signed the Lok Adalat award. He would also further submit that the very revision petition without the impugned order is not maintainable. If



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at all the petitioner has any remedy, it should be under Article 226 of the Constitution of India. Hence, prayed to dismiss the application.

5. I have given my anxious consideration to either side submissions.

6. The one and only submission put-forth by the learned counsel for the petitioner is that, by taking advantage of the petitioner's physical disability, the respondents 1 to 6 played fraud and impersonated him. But on the perusal of the records, though the award is dated 05.04.2016, he sent a representation to the Taluk Legal Aid Committee after a period of more than one year, on 17.07.2017. It is apparent that there was no reply to the above said representation, though it has been received by the Taluk Legal Aid Committee on 18.07.2017. The very ground urged in respect of impersonation can only be established by letting evidence and the same cannot be disposed of by sending mere complaint to the Taluk Legal Aid Committee.

7. In the judgment relied by the learned counsel for the petitioner, though, the Lok Adalat award was interfered by this Court under revisional jurisdiction, in CRP.No.269 of 2016 (cited supra), an apparent



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fraud exist on the face of the record, as there was a settlement on behalf of the mentally retarded person and minor person, without any prior appeal from the Court. In another civil revision petition in C.R.P.No. 3868 of 2012, (cited supra) also, the fraud was so apparent, where some third party entered into settlement in Lok Adalat in respect of some others properties that too ignoring the sale which had taken place long back from 1893 onwards.

8. Only in such an extra ordinary event, when the fraud was so apparent on the face of the record, the revisional Court interfered with the award and set aside the same. In this case, though the petitioner has contended that there was a fraud, he did not mention as to when he got knowledge about this fraud. Further, he did not file any police complaint till date, which would speak volumes. Further his attitude in sending the complaint after a period of one year, would also not in his favour.

9. In substance, the fraud which pleaded by the petitioner is not apparent on the face of the record. Therefore, under the revisional jurisdiction, this Court could not interfere with the findings of the Lok Adalat award. Further, when the appeal remedy is statutorily provided, it is settled principle of law that the revisional Court should be slow to



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interfere with such cases. It is useful to refer the judgment reported in **2022 Livelaw (SC) 209 (M.Chinnamuthu (dead) Vs Kamaleshan @ Shanmugam (Dead) through LRS)**. Here, the petitioner has not made out any case for interference by this Court. However, the petitioner is given liberty to approach appropriate forum according to law. In such an event, the period of limitation spent by the petitioner in this civil revision proceeding shall be excluded as per Section 14 of the Limitation Act.

10. In the result, this civil revision petition stands dismissed with the liberty as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

21.07.2023

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

1. The District Munsif Court,
Sivagiri.
2. The Section Officer
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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C.KUMARAPPAN,J.

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