

Ajay

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4161 OF 2024

Ankush Tukaram Pol

Petitioner (Orig.
.. Defendant No.1)

Versus

Shivaji Tukaram Pol and Anr.

.. Respondents

-
- Mr. Milind Deshmukh, Advocate for Petitioner.
 - Mr. Vaibhav R. Gargade, Advocate for Respondent Nos.1 and 2.
-

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 25, 2024.

P.C.:

1. Heard Mr. Deshmukh, learned Advocate for Petitioner and Mr. Gargade, learned Advocate for Respondent Nos.1 and 2.

2. The challenge maintained in the present Writ Petition is to the Lok Nyayalay / Lok Adalat Award dated 22.04.2018 passed by the learned Civil Judge Junior Division and Judicial Magistrate First Class, Dahiwadi in Regular Civil Suit No.17 of 2018 by virtue of which the said Suit proceedings have been compromised between the parties.

3. *Prima facie*, it is seen that the impugned Award bears the signatures of the Writ Petitioner as also his Advocate who have both signed the said impugned Award.

4. Mr. Deshmukh would contend that the signature as appearing on the impugned Award was obtained by the Plaintiff from the Defendant surreptitiously and Defendant's belief was that it did not pertain to compromise of the Suit proceedings. Record shows that Regular Civil Suit No.17 of 2018 was filed on 29.01.2018 and the compromise was effected on 22.04.2018 in the presence of Advocates who have also appended their respective signatures before the Loknyayalaya Panel.

5. Though Mr. Deshmukh would suggest that father of the Plaintiff and Defendant expired on 27.01.2018 and the Suit was filed immediately within 3 days thereafter on 29.01.2018 and on the same day the Plaintiff moved a *pursis* stating that the parties were in talks to settle and compromise their dispute with respect to the Suit properties, he would admit that the Defendant have signed the impugned Award before the learned Loknyayalaya Panel in the presence of their Advocate but the belief of the Defendant was entirely different. *Prima facie*, once the Defendant has appended his signature and has also accepted the same it may be difficult to believe the Defendant's case as resiling subsequently may be a complete afterthought.

6. Mr. Deshmukh would further contend that at the time of compromise before the Loknyayalaya Panel, Defendant No.1 i.e.

Petitioner was not even present when the impugned Award was passed as his signature was obtained at a prior point in time.

7. Affidavit-in-Reply, if any, is permitted to be filed within a period of two weeks from today.

8. It is clarified that, the present Writ Petition shall be disposed of on the next adjourned date after hearing the parties.

9. Stand over to **9th July, 2024.**

[MILIND N. JADHAV, J.]

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