



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR
WRIT PETITION NO. 62 OF 2024**

Kishor B. Bhute ...Petitioner
Versus
Prashant P. Bhende ...Respondent

Mr. R.D. Hajare for the Petitioner.
Mr. A. S. Dhore for the Respondent.

CORAM : N. R. BORKAR, J.
DATE : 1.8.2024.

PC:-

1. This petition takes exception to the award dated 13.8.2022 passed by Lok Adalat in Special Civil Suit No. 10 of 2019.

2. The respondent herein had filed the suit for specific performance of agreement of Sale dated 13.8.2022. The suit was placed before the Lok Adalat and pursuant to the consent terms filed by the parties, the Lok Adalat has passed the impugned award.

3. According to the petitioner, there was no question of refund of earnest amount as mentioned in the consent terms as the earnest amount was already refunded even prior to the filing of the suit. It is submitted that he signed the consent

terms as he was mislead. In support of submission, the learned counsel for the petitioner has drawn my attention to the bank statement annexed to the petition. It is submitted that the award passed by Lok Adalat thus be quashed and the suit be restored.

4. I have perused the consent terms. There is reference of cheque in the said consent terms. According to the petitioner, the said cheque was issued towards security at the time of execution of agreement of sale. However, admittedly the petitioner is not an illiterate person and therefore, it is likely that he would sign the consent terms without reading it. No interference is thus called for in the impugned award. The Petition is thus dismissed.

5. Pending Application(s), if any, are disposed of.

(N.R. BORKAR, J.)