



W.P.No.33492 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24/10/2024

C O R A M

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Writ Petition No.33492 of 2022

R. Umamaheshwari ... Petitioner

Vs

1. The Taluk Legal Service Committee
Sub-Court
Sathyamangalam
Sathyamangalam Taluk
Erode District.
2. Nanjammal
3. Selvi
4. The District Registrar
The District Registrar Office
Market Road, Gobichettipalayam
Gobichettipalayam Taluk
Erode District.
5. The Sub-Registrar
Punjaipuliampatty
Sathyamangalam Taluk
Erode District.
6. The Sub-Registrar
Sathyamangalam
Sathyamangalam Taluk
Erode District.

...

Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records of the first respondent's impugned Lok Adalat Award passed in Lok Adalat held on 14/12/2019 organised by the Taluk Legal Service Authority, Sathyamangalam in Lok Adalat Case No.119/2019 in O.S.No.176/2019 on the file of the District Munsif Court, Sathyamangalam and quash the same and consequently, suit proceedings in O.S.No.176/2019 on the file of the learned District Munsif, Sathyamangalam is declared as null and void.

For petitioner	...	Mr.S.Kolandasamy
For respondents	...	Mr.K.V.Muthuvisakan for R.1. No appearance for R.R.2 and 3 Mr.T.Chezhiyan Additional Government Pleader for RR.4 to 6

ORDER

This writ petition has been filed to quash the first respondent's impugned Lok Adalat Award passed in Lok Adalat held on 14/12/2019 organised by the Taluk Legal Service Authority, Sathyamangalam in Lok Adalat Case No.119/2019 in O.S.No.176/2019 on the file of the District Munsif Court, Sathyamangalam and to declare suit proceedings in O.S.No.176/2019 on the file of the learned District Munsif, Sathyamangalam, as null and void.



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2. The case of the petitioner in a nutshell is as follows:-

The petitioner's husband was working as BT Assistant at Malliyamman Thurkkam of Thalavadi Taluk, died on 1/1/2019, leaving with unregistered Will dated 17/2/2018 with regard to immovable and movable self-acquired property as well as his respective share from his separate property in favour of his wife i.e., petitioner herein. The second respondent, who is the mother of the petitioner's husband had filed a Suit in O.S.No.176 of 2019 on the file of the District Munsif Court, Sathyamangalam. However, without impleading the petitioner and her legal heir as one of the parties in the Suit, second and third respondents have entered into a compromise. Challenging the same, present writ petition is filed.

3. Heard Mr.S.Kolandasamy, learned counsel for the petitioner, Mr.K.V.Muthuvisakan, learned counsel for the first respondent and Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents 4 to 6. There is no representation on behalf of the second and third respondents.



4. The learned counsel appearing for the petitioner submitted that third respondent has played a collusive role and obtained Lok Adalat Award in favour of third respondent over the suit property. In the absence of First Class legal heir of the deceased N.Ganesamoorthy, Lok Adalat award has to be set aside as null and void.

5. The learned counsel appearing for the first respondent submitted that based on the suit filed by the second and third respondents, Lok Adalat award was passed.

6. Perused the materials available on record.

7. Relationship of the parties is not in dispute. The petitioner is the daughter-in-law of the second respondent and sister-in-law of the third respondent. The petitioner's husband executed a gift deed in favour of the petitioner as well as the second respondent mother. Thereafter, the second respondent/mother of the deceased filed a suit for declaration.

8. The grievance of the petitioner is that the petitioner's husband's property is also included in the Civil Suit towards which an award was



passed in the Lok Adalat. When the petitioner's husband's property is included in the Lok Adalat Award without impleading the petitioner as a party, the writ petition is not maintainable. Further Section 22 E of the Legal Services Authorities Act, 1987 prescribes that any settlement made on merits shall be final and binding on all the parties thereto and on persons claiming under them and such an award shall be deemed to be a decree of the Civil Court and sub-Section 4 of 22 E also prescribes that every award made by the Lok Adalat under this Act shall be made final and shall not be called in question in any original suit application or execution proceeding.

9. In the case on hand, an award has been passed in the Lok Adalat which is binding on the parties to the settlement and therefore, the same is not questionable by filing a suit or application and the only manner in which the said award can be questioned is by way of a writ petition. In the instant case, award having been passed by the Lok Adalat, suit in O.S.No.176 of 2019 on the file of the learned District Munsif, Sathyamangalam which has been filed at the instance of the second respondent herein cannot be allowed to sustain as it would run contrary to Section 22 E (4) of the Legal Services Authorities Act, 1987.



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10. In such a view of the matter, this writ petition deserves to be allowed and the Lok Adalat Award passed by the learned District Munsif, Sathiyamangalam Taluk, in O.S.No.119 of 2019 is hereby set aside. The petitioner is granted liberty to file impleading petition before the learned District Munsif, Sathiyamangalam Taluk, and contest the matter in the manner known to law. No costs.

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mvs.

Index : Yes / No

Neutral Citation: Yes/No

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M.DHANDAPANI,J



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