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C.R.P.(NPD).No.2252 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.(NPD).No.2252 of 2021

Erusi @ Erusiammal

... Petitioner

VS

Senni (Died)

1.Parameshwari

2.Sagunthala

3.Bhuvaneshwari

4.Sakthi

5.Santhosh

6.Thangavel

... Respondents

*(Cause title accepted vide Court order dated 28.09.2021
made in CMP.No.15692/2021 in CRP.SR.No.69702/2021)*

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to call for the records in respect of the AWARD based on



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settlement memo of the Lok Adalat Case No. 99 of 2013 dated 26.09.2013 passed by the Taluk Legal Services Committee, Dharmapuri in O.S.No. 286 of 2012 on the file of District Munsif Court, Dharmapuri to set aside and quash the same as unjust, illegal and in any event liable to be set aside.

For Petitioner : Mr.V.Balamurugan

For R1 to R5 : Mr.A.Ilaya Perumal

For R6 : Mr.Arun Anbumani

ORDER

The Civil Revision Petition is filed seeking to set aside the award passed in Lok Adalat Case No.99 of 2013, dated 26.09.2023 on the file of the Taluk Legal Services Committee, Dharmapuri.

2. By virtue of the Lok Adalat award impugned in this revision, the respondents settled the suit in O.S.No.286 of 2012 on the file of the District Munsif Court, Dharmapuri. The respondents 1 to 5 and deceased Senni filed a suit in O.S.No.286 of 2012 seeking partition against the 6th respondent and the petitioner. The petitioner was arrayed as 2nd defendant in the suit. The said



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suit was referred to Lok Adalat and the same was settled in the Lok Adalat between the respondents leaving out the petitioner herein. The suit is for partition, the Lok Adalat award passed in a partition suit without joining the petitioner will not have any impact on the rights of the petitioner and the same will not bind the petitioner.

3. According to the petitioner, the suit properties are self-acquired properties and she purchased the same under Sale Deed registered as Document Nos.757 of 1979 and 520 of 2000 on the file of Sub Registrar, Dharmapuri. The learned counsel further submitted that taking advantage of the Lok Adalat award, the respondents are encumbering the suit properties and the same causes irreparable injury to the petitioner. He further submitted that in view of the fact the Lok Adalat award in a partition suit is passed without getting signature from the petitioner/2nd defendant, the same is liable to be set aside.

4. It is settled law, as far as partition suits are concerned, even defendant shall be treated as plaintiff. The Lok Adalat award without getting



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signature of one of the sharer or person claiming right over subject matter will not have any legal impact. In such circumstances, the impugned Lok Adalat award, which does not contain the signature of the petitioner is liable to be set aside and accordingly, the Civil Revision Petition is allowed by setting aside the impugned Lok Adalat award.

5. The suit is restored to the file of the Trial Court and parties are at liberty to agitate their rights in the suit. No costs.

08.03.2024

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

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- 1.The Taluk Legal Services Committee,
Dharmapuri.
- 2.The District Munsif Court,
Dharmapuri.



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S.SOUNTHAR, J.

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