



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.R.P.No.2750 of 2021

and

C.M.P.No.20142 of 2021

1.Kalaivani

2.Kumudhavalli

...Petitioners

Vs.

1.Tamilselvi

2.Saraswathi

3.Nalini

4.Elango

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, against the Lok Adalat Award dated 14.07.2018 passed by the National Lok Adalat in Case No.465 of 2018 in O.S.No.239 of 2018 on the file of the learned Principal District Munsif Court, Bhavani.

For Petitioners : Mr.N.Manoharan

For Respondents : Mr.L.Mouli for R1

Mr.T.Murugamanikkam, Senior Counsel
for Ms.Zeenath Begum for R2 to R4

**ORDER**

Challenge in this revision is to the award of the Lok Adalat made on 14.07.2018. The revision itself filed only 01.11.2021. Being a revision under Article 227 of the Constitution of India, there is no limitation. However, the delay will definitely have a bearing.

2.The grounds that are alleged are mutually contradicting. While in Ground Nos.5 & 6, the merits of the suits are canvassed, in ground Nos.12 & 13, it is stated that the petitioners were not heard in the Lok Adalat. It is also contended that they never engaged an Advocate. In view of such conflicting stand taken, I had, while issuing notice in the revision, required the Registry to issue notice to the two counsel, who appeared in the Trial Court and required them to file affidavits. One of the Lawyers namely, Mr.G.Mohan, who appeared for the plaintiff has filed an affidavit setting out the events that took place in Lok Adalat on 14.07.2018. I had also called for the records in the suit as well as Lok Adalat proceedings and succession OP, which was initiated by all the parties subsequent to the award of the Lok Adalat.



3.A perusal of the award shows that all the parties had appeared before the Lok Adalat and affirmed the settlement. Therefore, there is no procedural infirmity in the award of the Lok Adalat. It is also seen that the petitioners herein had engaged Mr.G.Mohan, who had appeared for the plaintiff in the suit as a common counsel for the purposes of Succession OP No.80 of 2019 and have, in fact, obtained a succession certificate. This shows that there has been a complete settlement of the dispute between the parties by the award of the Lok Adalat. However, the petitioners suddenly woke up after three years to file a revision under Article 227, making allegations that one of them was not mentally well, they never engage a counsel and that they were not heard before the Lok Adalat etc.

4.The Hon'ble Supreme Court has held that an award passed by the Lok Adalat cannot be set aside except invoking the power under Article 227 only on limited grounds. It is settled law, a Court sitting under Article 227 can only look at the irregularity of the proceedings while exercising the supervisory jurisdiction or the power of superintendence. It cannot go into factual details or deal with matters, which require proof. Therefore, in order to exercise jurisdiction to set aside the award of Lok Adalat under Article



227, it must be shown that there is some procedural irregularity, which vitiates the entire proceedings. In the absence of such irregularity, power under Article 227 could not be invoked.

5.Mr.N.Manoharan appearing for the petitioners would however relied upon the judgment of the Supreme Court in ***Krishna Mohan Kaul Vs. Pratima Maity and Others*** reported in ***(2004) 9 SCC page 468*** wherein, the Hon'ble Supreme Court dealt with the concept of fiduciary relationship. No doubt, true that sometimes some members of the family are in a position to exercise a kind of influence over the others. But, those questions can be addressed very conveniently in a civil suit where evidence could be let in and such evidence could be examined by a judicial trained mind. But, in a revision under Article 227, I do not think that this Court could conduct that exercise of looking into the probabilities of there being some kind of an influence over the decision of the petitioners to sign the Lok Adalat proceedings.

6.I have already concluded that there is a procedural irregularity that would vitiate the proceedings of the Lok Adalat. Hence, I do not think, the award could be set aside on the ground that are alleged in this revision,



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which are beyond scope of the enquiry under Article 227. This Civil

Revision Petition therefore, fails and it is accordingly, **dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

09.02.2024

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Internet:Yes

Index:No

Speaking

Nuetral Citation :No

To:-

The Principal District Munsif Court,
Bhavani.

R.SUBRAMANIAN, J.

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