



WEB COPY



C.R.P.No.270 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.No.270 of 2022

C.Selvaraj

... Petitioner

Vs.

1.C.Navaarsu

2.Rajammal

3.S.Boopalan

4.The Sub Registrar,
Sub-Registrar Office,
Vadavalli, Coimbatore – 641 046.

5.N.Dhanabal

6.Dilkush Dhanabal

... Respondents

(R5 & R6 are impleaded as per order
dt. 13.2.2024 made in CMP.No.21936/2022 by VSGJ)

PRAYER: Revision filed under Article 227 of the Constitution of India praying to modify the award, that to remove Item No.1 in “A” schedule of Lok Adalat dated 11th day of September 2021 passed in Lok Adalat Case No.643 of 2021 in O.S.No.503 of 2021 on the file of the 1st Additional District Judge at Coimbatore, which was wrongly included by the plaintiff and direct the 4th respondent to remove / delete Item No.1 in Document No.6156/2021 on 20.09.2021 which was registered in 4th respondent's office.

(Prayer amended as per order dated 25.04.2024 made in CMP.No.3026 of 2022 by VLNJ)



C.R.P.No.270 of 2022

For Petitioner : Mr.Saravanan P.
For respondents : Mr.K.Paramasivam for R1
: Served – No appearance for R2 & R3
: Dr.S.Suriya
Additional Government Pleader for R4
: Mr.N.Krishnakumar
for M/s.Sarvabhuaman Associates
for R5 & R6

ORDER

This revision seeks the deletion of Item No.1 in the Lok Adalat award dated 11.09.2021 passed in Lok Adalat Case No.643 of 2021 in O.S.No.503 of 2021 on the file of the 1st Additional District Judge at Coimbatore.

2. There is no dispute in the relationship between the parties. The petitioner - C.Selvaraj, and his brother Navaarsu, had appointed one Vallikannu as their power agent. In exercise of the power granted, the said Vallikannu had executed a sale deed on 22.10.1997 in favour of respondents 5 and 6 in this revision. As per the sale deed, possession had also been handed over for the Item No.1 of suit schedule mentioned property. After having sold the property, the plaintiff preferred a suit in O.S.No.503 of 2021. In the said suit, after the 1st respondent Navaarsu was served, being a dispute between the brothers, the matter was referred to Lok Adalat in exercise of the powers vested in the 1st Additional



C.R.P.No.270 of 2022

District Judge under Section 20(1)(i)(b) and 20(1)(ii) of the Legal Services Authorities Act, 1987. The matter was taken up by the Lok Adalat Bench on 11.9.2021 and a compromise was recorded therein. In terms of the compromise, the properties were described as “A” schedule and “B” schedule. “A” schedule was allotted to the plaintiff Selvaraj and “B” schedule was allotted to the defendant Navaarasu.

3. The plaintiff did not consider the fact that he and his brother had already alienated the property in favour of respondents 5 and 6, decades before the presentation of the plaint. That is to say the date on which the suit had been presented, Item No.1 of “A” schedule was not available for partition. Nonetheless as the matter had been compromised by the Lok Adalat, against which there is no appeal, the present revision has come forth before this Court.

4. The plaintiff has realised the mistake that Item No.1 of the suit schedule mentioned property, which had been allotted to him by the Lok Adalat, had already been sold by him on 22.10.1997. Therefore, he pleads that since the interest of third party is involved, the 4th respondent may delete the same from the award.



C.R.P.No.270 of 2022

WEB COPY

5. In the light of the averments made in the grounds of revision, I am of the view that an error had been committed by the plaintiff/civil revision petitioner and the 1st respondent in including a property which they had jointly alienated in favour of respondents 5 and 6. This error requires correction. Accordingly, the civil revision petition is accepted. The award of the Lok Adalat in Case No.643 of 2021 is modified with respect to Item No.1 of the property alone. The award shall read that “A” schedule mentioned property shall be allotted to Selvaraj excepting Item No.1 of the “A” schedule, which has already been purchased by respondents 5 and 6. Consequently, the Civil Revision Petition is allowed. No costs.

25.04.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation : Yes / No

Sgl

To

1st Additional District Judge,



C.R.P.No.270 of 2022



WEB COPY



C.R.P.No.270 of 2022

V.LAKSHMINARAYANAN, J.

Sgl

C.R.P.No.270 of 2022

25.04.2024