



W.P.No.25430 of 2024

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.25430 of 2024

K.Velu

...Petitioner

Vs.

The Sub Registrar,
Office of the Sub Registrar,
Walajapet, Ranipet District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to register the Lok Adalat Award dated 10.04.2021 made in I.A.No.1 of 2021 in O.S.No.193 of 2011 by the Sub Court, Ranipet on the basis of petitioner's application dated 28.06.2024.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr.M.Shahjahan



W.P.No.25430 of 2024

Special Government Pleader

WEB COPY

ORDER

The petitioner herein seeks a direction to the respondent to register the Lok Adalat Award dated 10.04.2021 made in I.A.No.1 of 2021 in O.S.No.193 of 2011 on the file of the Sub Court, Ranipet, by considering his application dated 28.06.2024.

2. The petitioner herein filed a suit for partition and other reliefs in O.S.No.193 of 2011 on the file of the Subordinate court, Ranipet against Visalachi and obtained preliminary Decree for partition of his 1/2 share in the B schedule and 1/3 share in respect of suit C and D schedule in the plaint. The petitioner also obtained a decree declaring that the sale deed bearing document No. 5359 of 2011 dated 04.07.2011 executed by the second defendant therein, namely K. Sundharamurthy in favour of the fourth defendant L.Sivanatham was null and void. The petitioner also got a decree for permanent injunction against the defendants. Subsequently, the petitioner filed an application for passing final decree in I.A. No. 1 of 2021 and the matter was referred to Lok Adalat. The Lok Adalat passed an award dated 10.05.2021 recording compromise between the parties regarding subject



W.P.No.25430 of 2024

matter of the suit. The same reads as follows :-

WEB COPY

"Both parties filed Joint compromise memo, recorded. joint compromise memo shall form part of this order.

As per the terms of Joint Compromise memo the Plaintiff and Defendant 2 & Defendant 3 are entitled equally as 1/3rd share in the suit schedule properties 'A', 'B' and 'C'. As per the Joint compromise memo the Plaintiff, the Defendant 2 and 3 agreed to pay the consideration for a sum of Rs.1,00,000/- to the 1st defendant towards the 1/4th share of the 1st defendant on or before 06.06.2021. 1st Defendant agreed to receive Rs.33,400/- each from the plaintiff, 2nd and the 3rd defendants before the Lok-Adalat and relinquish her share from 'D' schedule of property.

As per the Preliminary Decree dated : 25.10.2018 in O.S.No.193/2011 the Document No.5359/2011 declared as Null and Void.

Hence the case is disposed of as settled before the Lok - Adalat."

3. When the petitioner presented the final decree passed in the above mentioned suit, for registration, the respondent refused to register the same and directed him to get appropriate orders from the competent Court for registering it. Section 21 of the Legal Service Authorities Act reads as follows:-

" Award of Lok Adalat:-

(i) Every award of the Lok Adalat shall be deemed to be a decree of a civil Court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of Section 20, the Court -fee paid in such case shall be refunded in the manner provided under the Court Fees Act 1870.

(ii) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any



W.P.No.25430 of 2024

Court against the award. "

WEB COPY

4. In this case, final decree petition in I.A.No.1 of 2021 in O.S.No.193 of 2011 was referred to Lok Adalat and Lok Adalat passed an award by recording the compromise entered between the parties on 10.04.2021.

5. In view of Section 21 of Legal Service Authorities Act, an award passed by the Lok Adalat shall be deemed to be a decree of the Civil Court. Hence benefit of Section 17(2)(vi) is available to Lok Adalat awards. In such circumstances there cannot be any difficulty for the respondent to consider the award passed by the Lok Adalat for registration. Therefore the respondent is directed to register the Lok Adalat award dated 10.04.2021 made in I.A.No. 1 of 2021 in O.S.No.193 of 2011, on the file of the Sub Court, Ranipet, if it is otherwise in order.

6. With the above direction, this writ petition is disposed of. No costs.

09.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order



W.P.No.25430 of 2024

av

WEB COPY

To

The Sub Registrar,
Office of the Sub Registrar,
Walajapet, Ranipet District.



WEB COPY



W.P.No.25430 of 2024

S. SOUNTHAR, J.

av

W.P No.25430 of 2024

09.09.2024