



CRP. NPD.No.3011 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 08.11.2024

Pronounced on:15.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE P.B.BALAJI

CRP. NPD. No.3011 of 2021
and CMP. No.21391 of 2021

1.Arokiasamy
2.John Kennedy

... Petitioners

Vs

Madhalaiammal (Died)
1.Mariadoss
2.Sahayamary

... Respondents

Prayer: The Civil Revision Petition filed under Section 227 of the Constitution of India, to set aside the order award dated 08.03.2012 passed in Lok Adalat Case No.13 of 2012 Lok Adalat, Dharmapuri in O.S. No.43 of 2009.

For Petitioners : Mr.I.Abrar Mohamed Abdullah

For Respondents : Mr.S.M.Edward Stanley for R1

ORDER

The revision has been preferred under Article 227 of the Constitution of India seeking to set aside the award dated 08.03.2012



passed in the Lok Adalat in O.S. No.43 of 2009 in L.A. Case No.13 of 2012.

2. I have heard Mr.I.Abrar Mohamed Abdullah, learned counsel for the revision petitioners and Mr. S.M.Edward Stanley, learned counsel for the first respondent.

3. The learned counsel for the revision petitioners, Mr.I.Abrar Mohamed Abdullah, referring to the decision of the Hon'ble Supreme Court in *Bhargavi Constructions and another vs Kothakapu Muthyam Reddy and Others* reported in (2018) 13 SCC 480 would submit that when a Lok Adalat award is sought to be challenged, the only remedy is to either invoke the jurisdiction of the High Court under Article 226 or 227 of the Constitution of India and that there is no other remedy available to an aggrieved party. He would take me through the facts of the case and state that the counsel for the revision petitioners had colluded with the first respondent and deprived the petitioners of their valuable rights.

4. The learned counsel for the revision petitioners would also refer



to orders of this Court coming down very heavily on the conduct of the very same counsel who was engaged by the revision petitioners. He would further submit that the sister of the petitioners was also not a signatory to the Lok Adalat Award and viewed from any angle, the award was in violation of the mandate of the Section 20 of the Legal Services Authority Act, 1987, especially sub-section 4 which mandates that every Lok Adalat should act with utmost expedition to arrive at a compromise or settlement between the parties and while doing so, should be guided by the principles of justice; equity, fair play and other legal principles.

5. The learned counsel for the revision petitioners would also invite my attention to the inequitable terms of the Lok Adalat award and fortify his contentions that the plaintiff would have never agreed to such a unilateral and arbitrary and one sided award, totally favoring the first respondent. He would therefore pray for the revision being allowed.

6. Per contra, Mr.S.M.Edward Stanley learned counsel appearing for the first respondent would state that it was not as if the award came to be passed on a single deliberation between the parties. He would refer to the adjudication in the suit proceedings, where several adjournments have



been taken for recording compromise and that in furtherance of the settlement terms, an agreement was also entered into between the parties on 30.06.2011 and this very same agreement was recorded before the Lok Adalat, based on which, the suit in O.S. No.43 of 2009 also came to be disposed of.

7. According to the learned counsel for the first respondents, the compromise was also acted upon and having slept over the matter for several years, the petitioners are not justified or entitled to seek the Lok Adalat award to be set aside. He would place reliance on decision of the Hon'ble Supreme Court in *P.T.Thomas vs Thomas Job* reported in (2005) 6 SCC 478, where the Hon'ble Supreme Court held that the Lok Adalat award being passed with the consent of parties was final in nature and no appeal would lie there from, and that it could not be challenged even by invoking Article 226 of the Constitution of India, he would therefore pray for dismissal of the revision.

8. I have carefully considered the rival submissions advanced by the learned counsel on either side. I have also perused the materials available on record including the impugned order.



9. It is no doubt true that pending the suit for partition, the parties have appeared before the Lok Adalat and have also consented for an award to be passed. The revision petitioners are the plaintiffs who have filed the suit for partition in O.S. No.43 of 2009, the first defendant is their mother and the second defendant, their brother and third defendant, their sister. It is an admitted position that the mother died after the passing of the Lok Adalat award. The award came to be confirmed by the learned Principal District Judge, Dharmapuri in O.S. No.43 of 2009. Though the Lok Adalat award does appear to be inequitable, there is no prohibition or legal impediment for the parties agreeing for an inequitable partition. In fact, as rightly contended by the learned counsel for the respondents, I do not see the Lok Adalat award as any rush of blood on the part of the revision petitioners or that they were forced or compelled to agree to the said terms. The various adjudications in the suit made available by way of docket orders, clearly evidence the fact that the parties had decided to explore the possibility of settlement even as early as March 2011 and no cross examination of plaintiffs' first witness P.W.1 was taken up on the ground that the parties were negotiating a settlement.

10. On 01.07.2011, the Court has recorded filing of a compromise



petition and the same was returned for certain compliances and after a couple of hearings, on 13.07.2011, the compromise petition was represented along with the memo. The same was again returned by the Trial Court on 20.07.2011 and on 09.08.2011, the Trial court accepted the compromise petition and memo filed by the plaintiff exonerating the third respondent, that is the sister of the plaintiffs from the proceedings. On 25.08.2011, a memo was filed seeking reference to the Lok Adalat and thereafter also on several dates, the suit has been adjourned to enable the parties to report settlement. In fact, even in February 2012, only at the request of the plaintiffs, the matter was adjourned for reporting settlement and thereafter, on 08.03.2012 the parties went before the Lok Adalat and the award came to be passed. On receipt of the Lok Adalat award, the Trial Court also dismissed the suit as settled before the Lok Adalat on 12.03.2012. Therefore, it is not as if the plaintiffs were taken for a ride by their counsel who allegedly colluded with the brother, the first respondent herein. The petitioners also did not disown the unregistered partition agreement or the fact that the parties were negotiating for settlement for over a year before the matter was even referred to the Lok Adalat for recording settlement.

11. Though the fact that the sister is not a signatory to the Lok



Adalat award, it is seen from the suit records that the sister has been given up the suit and therefore, rightly, the members presiding the Lok Adalat accepted the consent of the parties present before it and who were also admittedly signatories to the compromise settlement memo and proceeded to record the same. Therefore, at this length of time it is not open to the revision petitioners to seek to reopen the proceedings on the ground that their sister was not a signatory to the Lok Adalat award. In any event, it does not lie in the mouths of the revision petitioners to canvass the case of their sister, who herself has chosen to accept the settlement between the parties and did not take any steps to either contest the suit or even challenge the Lok Adalat award.

12. Further, there is a declaration in that Award, signed by the revision petitioners themselves that they have willingly arrived at the settlement terms and that there is no coercion or force to arrive at a settlement. Therefore to allege that the counsel has cheated the revision petitioners and resultantly the revision petitioners have been given a raw deal cannot be countenanced. The reference to the order of this Court pulling up the very same counsel in other proceedings, cannot be a ground to set aside the Lok Adalat award in the present proceedings,



unless the petitioners have been able to establish strong evidence that in the present case also the counsel had played fraud. However, considering the fact that the petitioners admit that they appeared before the Lok Adalat and affixed their signatures and accepted the award being passed and subsequently, never challenged or questioned the said award for almost close to 9 years, and all of a sudden, filed the present revision challenging the Lok Adalat award, clearly dis-entitles the revision petitioners from being entitled to any relief.

13. In *Bhargavi Constructions*, the Hon'ble Supreme Court has taken a contra view to that was taken in *P.T.Thomas's* case (referred herein supra) where it was held that Article 226 of the Constitution of India cannot be invoked for challenging the Lok Adalat Award. I find that the decision of the Hon'ble Supreme Court in *P.T.Thomas's* case has not been referred to by the subsequent Bench even in *Bhargavi Constructions*. Be that as it may, in the facts of the present case, I do not find any valid grounds, which too are very limited, as held in *Bhargavi Construction's* case, to invoke Article 227 of the Constitution of India, for challenging the award passed by the Lok Adalat. The revision petitioners have clearly slept over the matter and despite having been



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signatories to the Lok Adalat award as early as on 08.03.2012, they have not thought it fit to challenge the same until as late as this Civil Revision Petition was filed in the year 2021. Therefore, the petitioners have not made out any ground for interfering with the award passed by the Lok Adalat.

14. In fine, the Civil Revision Petition is dismissed. Connected Miscellaneous Petition is also dismissed. No costs.

15.11.2024

Index:Yes/No
Speaking order/Non-speaking order
rkp

To

1. The Lok Adalat, Dharmapuri.

2. The Section Officer, VR Section,
Madras High Court, Chennai.



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P.B.BALAJI, J.

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Pre-Delivery Order in
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