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C.R.P.No.4018 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE P. DHANABAL

C.R.P.No.4018 of 2022

and

C.M.P.No.20850 of 2022

P.M.Murali

... Petitioner

vs.

1. Udhayakumar

2. The District Collector,
Ranipet,
Ranipet District.

3. The Tahsildar,
Walaja Taluk,
Walajapet.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the Lok Adalat Decree dated 11.12.2021 in O.S.No.5 of 2021 on the file of the District Munsif, Ranipet.

For Petitioner : Mr.B.Gopalakrishnan

For Respondent 1 : Mr.K.Mohanamurali

For Respondents
2 & 3 : Mr.C.Sathish,
Government Advocate



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ORDER

This Civil Revision Petition has been filed by the petitioner, challenging the Lok Adalat Decree dated 11.12.2021 passed in O.S.No.5 of 2021, on the file of the District Munsif Court, Ranipet, wherein, the 1st respondent herein has filed the main suit as against the the Respondents 2 and 3 herein for the relief of declaration. Thereafter, the same was settled before the Lok Adalat.

2. Aggrieved by the said Lok Adalat award, the present Civil Revision Petition has been filed.

3. According to the petitioner, the first respondent herein already gave an online application to the 3rd respondent to issue legal heir certificate for the deceased Babyammal, W/o.Late.Duraisamy and the same was rejected by the 3rd respondent on 28.12.2019. After rejecting the said application, the first respondent filed the main suit in O.S.No.5 of 2021 before the District Munsif Court, Ranipet against the 2nd and 3rd respondents for the relief of declaration declaring that the 1st respondent is the legal heir of the deceased Babyammal.



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The respondents 2 and 3 had filed their written statement. Thereafter, the matter was referred to Lok Adalat and award was passed on 11.12.2021, declaring that the 1st respondent/Plaintiff is the legal heir of the deceased Babyammal. In fact, the first respondent is not the legal heir of the deceased Babyammal and the Lok Adalat award was obtained by playing fraud. Therefore, the award passed by the Lok Adalat dated 11.12.2021 is liable to be set aside. Originally, the grandfather of the petitioner namely Govindaraju Naidu had one daughter and 4 sons. The first respondent alone is not the legal heir of the deceased Babyammal, the petitioner and others are also the legal heirs of the deceased Babyammal. Therefore, the first respondent by suppressing the material facts and playing fraud and obtained Lok Adalat award and thereby the said Lok Adalat award is liable to be set aside.

4. According to the 1st respondent, the said Babyammal was taken care by the first respondent. During the lifetime of Babyammal, she executed a WILL in favour of the first respondent on 16.04.1998 and she died on 29.12.2007. Therefore, after the demise of the said Babyammal the WILL came into effect. Therefore, he is entitled to the properties of the Babyammal through the said WILL. Thereby he filed the main suit, during the pendency of



the said suit, the matter was referred to Lok Adalat. The Lok Adalat passed an award by declaring that the first respondent is the legal heir of the deceased Babyammal. Therefore, there is no fraud played by the first respondent as alleged by the petitioner.

5. The learned Counsel appearing for the petitioner would contend that the first respondent has filed the suit for the relief of declaration declaring that the first respondent is the legal heir of the deceased Babyammal. During the pendency of the suit, the matter was referred to Lok Adalat and without impleading of the legal heirs of the deceased Babyammal, first respondent obtained award through Lok Adalat by playing fraud. Therefore, the award passed by the Lok Adalat is liable to be set aside.

6. The learned Counsel appearing for the 1st Respondent would contend that the deceased Babyammal during her lifetime she was settled with the first respondent and he only took care of the said Babyammal and thereby due to love and affection, she executed a WILL dated 16.04.1998. Thereafter, the said Babyammal was died on 29.12.2007. Therefore, after the demise of Babyammal, the WILL came into effect. Therefore, the first respondent is



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entitled to the property of Babyammal. Therefore, he filed a suit declaring that the plaintiff/first respondent alone is the legal heir of the deceased Babyammal. The main suit was also referred for Lok Adalat and the matter was settled between the parties. Therefore, there is no any fraud played by the first respondent in obtaining the award through Lok Adalat. Therefore, the present Civil Revision Petition is liable to be dismissed.

7. This Court heard both sides and perused the records.

8. In this case, the petitioner has filed the present Civil Revision Petition to set aside the Lok Adalat award dated 11.12.2021 passed in O.S.No.5 of 2021 on the file of the District Munsif Court, Ranipet. According to the petitioner, the Babyammal is daughter of paternal aunt of the petitioner as well as the first respondent. While so, the first respondent has filed a suit for declaration declaring that the first respondent alone is the legal heir of the deceased Babyammal and obtained award from the Lok Adalat. The first respondent suppressed the other legal heirs of the deceased Babyammal and without impleading all the legal heirs of the deceased Babyammal, he filed a suit only as against the Government and thereby played fraud and obtained



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award from the Lok Adalat. Therefore, the Lok Adalat award has to be set aside. According to the first respondent the deceased Babyammal was under the care and custody of the first respondent and thereby due to love and affection, she executed a WILL dated 16.04.1998 and thereby she died on 29.12.2007. After her demise, the first respondent entitled the property of the Babyammal. Therefore, he filed a suit for declaration declaring that the first respondent is the only legal heirs of Babyammal. Thereafter, the matter was referred to Lok Adalat and award was passed, there is no fraud played by the first respondent. The petitioner is claiming right over the properties of the deceased Babyammal. While so, the petitioner has to file separate proceedings against the respondents and he has to produce sufficient documents and it needs elaborate trial. Therefore, the petitioner can approach an appropriate forum by initiating appropriate proceedings in accordance with law. If any proceedings initiated by the petitioner, he is entitled to get benefit of period of limitation for the pendency of this petition under Section 14 of the Limitation Act.



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9. In view of the above said reasons, this Civil Revision Petition is liable to be dismissed. Accordingly, this Civil Revision Petition is dismissed with the above observation. Consequently, connected miscellaneous petition is closed.

No costs.

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Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No



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P. DHANABAL, J.

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To:

- 1.The District Munsif Court,
Ranipet.
- 2.The Section Officer,
V.R.Section,
High Court of Madras.

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