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W.P.No.34341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTHAR

W.P No.34341 of 2024

and

WMP.No.37220 of 2024

V. Gopinath
...Petitioner

Vs.

1. The Member Secretary,
Union Territory of Puducherry,
Legal Service Authority (State Authority),
Puducherry.
2. Mrs. Jayanthi
3. Anushka
4. Lakshana
5. Yashika
- ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the National Lok Adalat Case No.5291/2023 award dated 01.06.2023 passed by the first respondent and quash the same.

For Petitioner : Mr.J.Rajmohan

For R1 : Mr.V.Vasantha Kumar



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Rs.10,000/- on or before 15th of every month, and the remaining Rs.10,000/- shall be deposited within 30th of every month.

4. The children are under the care and custody of the petitioner/mother. The petitioner/mother has no objection to show her children to the respondent/father. The respondent/father shall have visitation rights on every second week end of the English month. Further the respondent can have the interim custody of the children for one third or the vacation holidays or any other bulk holidays.

5. The petitioner is ready to withdraw the case pending before JM-1, Puducherry. in DVC.No.12/2022. The petitioner agreed to give up her all claims in DVC No.123/2022, except the prayer for protection order. "

3. Now, the petitioner has filed the writ petition challenging the Lok Adalat award on the ground that the Lok Adalat award was obtained by compulsion.

4. A perusal of the typed set of papers would suggest that the Lok Adalat award agreement was recorded by Puducherry Legal Services Authority headed by a Judge of the Family Court, Puducherry, and Judicial Magistrate - III and II Additional District Munsif as members of the committee. When the



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agreement was recorded by the Puducherry Legal Services Authority, the petitioner failed to make any objection regarding alleged compulsion and an award was passed on 01.06.2023. The petitioner after a lapse of one year, suddenly, filed the writ petition challenging the award as if his consent was obtained by putting him under duress or compulsion.

5. The averments made by the petitioner in the affidavit cannot be taken into consideration especially when the Lok Adalat agreement was recorded by a committee consisting judicial officers. Further, the petitioner has not raised any objection immediately after passing of award and he waited for 14 months and raised an objection now. The same can only be taken as an after thought in the absence of plausible explanation for delay. Hence the grounds raised by the petitioner are unsustainable. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.11.2024

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



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The Member Secretary,
Union Territory of Puducherry,
Legal Service Authority (State Authority),
Puducherry.

S. SOUNTHAR, J.

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