



W.A.No.374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE BHARATHA CHAKRAVARTHY

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Nisara Property Developers
A Partnership Firm,
rep by its Partner R.Arun Kumar
A-18 Perur Main Road
Kovai Pudur, Coimbatore - 641 042.

.. Appellant

Vs

- 1 The Sub Registrar
Madukkarai Sub Registrar Office
Madukkarai Taluk
Coimbatore District.
- 2 The District Legal Services Authority
Rep by its Secretary
Combined Court Complex
Coimbatore - 641 018.
- 3 Geetha Rani
- 4 B.S. Sneha
- 5 Swetha Harshini

.. Respondents

Prayer : Appeal under Clause 15 of the Letters Patent against the order dated 15.9.2023 made in W.P.No.33262 of 2022 by the learned Single Judge.



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For the Appellant : Mr.N.Manoharan

For the Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.T.K.Saravanan
Government Advocate
for 1st respondent

JUDGMENT

(Delivered by *the Hon'ble Chief Justice*)

Heard Mr.N.Manoharan, learned counsel for the appellant; and Mr.A.Edwin Prabakar, learned State Government Pleader, assisted by Mr.T.K.Saravanan, learned Government Advocate, for the first respondent.

2. The appellant filed a writ petition challenging the award passed in Lok Adalat Case No.760 of 2022, dated 13.8.2022. The said award was between respondents 3 to 5 *inter se*. The partition suit was settled in the Lok Adalat. The learned Single Judge observed that the award cannot affect the third party rights. The parties to the award cannot dislodge title of anyone, who has better



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title or superior title. It is further observed that if at all the appellant is aggrieved, they are at liberty to work out their remedies. Aggrieved by the said order, the present appeal is filed.

3. Learned counsel for the appellant submits that the appellant is the owner of the property having purchased the same under a sale deed. Respondents 3 to 5 are claiming ownership on the basis of a registered will executed by one Subbanna Gounder dated 26.9.1991. He passed away on 1.1.1996. However, during his life time, he sold the property to five different individuals between 22.4.1994 and 27.4.1994. Those five individuals sold the same to the appellant under five different sale deeds, all dated between 19.11.2018 and 9.10.2019. According to learned counsel for the appellant, respondents 3 to 5 cannot claim any right on the basis of the registered will.

4. Learned counsel for the appellant further submits that the award passed in Lok Adalat cannot be challenged by way of a suit.



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5. The appellant is not a party to the award passed by the Lok Adalat. The said award does not bind the appellant, nor would affect the rights of the appellant in whatsoever manner.

6. The award passed in Lok Adalat cannot be challenged in a suit by a party to the award. The said embargo does not apply to a third party. The appellant is a third party.

7. No doubt, fraud vitiates every solemn act and the contention of fraud can be raised at any stage of the proceedings. However, specific pleadings are required to be raised with regard to the allegation of fraud.

8. The appellant claims right on the basis of the sale deed executed by their predecessor-in-title. The predecessor-in-title of the appellant claims title on the basis of the sale deed executed by Subbanna Gounder, whereas respondents 3 to 5 claim title on the basis of the registered will dated 26.9.1991 executed by Subbanna Gounder. Naturally, evidence would be required to prove or disprove



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the contentions of the parties.

9. In light of that, the learned Single Judge has observed that the appellant may work out their remedies. It is further observed that the award *inter se* between respondents 3 to 5 does not bind the present appellant, who is not a party to the award.

10. In view of the above, we do not find that the learned Single Judge has committed any error while passing the order. The appellant may avail the remedy in case they are aggrieved by the award. In case the appellant challenges the award, then all the contentions of the appellant are kept open.

With these observations, the appeal is disposed of. There shall be no order as to costs. Consequently, C.M.P.Nos.2468 and 2473 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

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Index : Yes/No



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Neutral Citation : Yes/No
sasi

To

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Madukkarai Taluk
Coimbatore District.
- 2 The Secretary
District Legal Services Authority
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Coimbatore - 641 018.



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THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

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