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C.R.P.No.2978 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.2978 of 2018
and
C.M.P.No.17344 of 2018

1.J.Renuka
2.K.Jayaraman
3.J.Amirtha

... Petitioners

Vs.

1.M.Nirmal
2.SBI General Insurance company Limited
“Natraj”, 101, 201 & 301, Junction of Western
Express Highway and Adheri-Kurla Road
Andheri(East)
Mumbai-400 069

3.R.Karthikeyan
(R3 impleaded vide court order dated 10.08.2022
made in CMP.No.20223/2018 in CRP.No.2978/2018) ...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the award passed by the Taluk Legal Committee dated 20.04.2017 in Lok Adalat Case No.110 of 2017 (M.C.O.P.No.1779 of 2014 before the Special Sub-Court at Dharmapuri)



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C.R.P.No.2978 of 2017



For Petitioner : Mr.P.Valliappan
Senior Counsel
for Mr.T.Deeraj

For Respondent 1 : Served-no appearance
For respondent 2 :M/s.C.Harini
for M/s.M.B.Gopalan Associates
For respondent 3 : Mr.S.Parthasarathy
Senior Counsel
for M/s.P.Dinesh Kumar

ORDER

The Civil Revision Petition is filed challenging the Lok Adalat award dated 20.04.2017.

2. The petitioners are claimants in M.C.O.P.No.1779 of 2014 on the file of Special Sub-Court, Dharmapuri. The parents and sister of the deceased victim are the claimants. The matter was referred to Lok Adalat and the petitioners settled for a sum of Rs.15,50,000/- (Rupees Fifteen Lakhs Fifty thousand only) as a compensation for the death of son of petitioners 1 and 2 and brother of 3rd petitioner. The Lok Adalat award was passed on 20.04.2017.



3. The learned counsel for the petitioner submits that petitioners were forced to sign the proceedings before the Lok Adalat without their knowledge by their Advocate, the 3rd respondent herein. It was also submitted that petitioners issued a notice on 01.11.2017 to 3rd respondent stating that he obtained the signature of the petitioners in blank white papers and settled the matter. The learned counsel further submitted that the amount settled in the Lok Adalat was very much on lower side. Therefore, the same is liable to be set aside.

4. Though the petitioners in Ground No.4 in the revision had stated that the petitioners were forced to sign the proceedings before the Lok Adalat without their knowledge, the notice was issued by the petitioners nearly after six months only on 01.11.2017. There is no explanation on the part of the petitioners why the petitioners have not taken any steps to set aside the award or issue notice to the 3rd respondent immediately after signing the Lok Adalat award. Therefore, the allegation made by the petitioners as if the petitioners were forced to sign the Lok Adalat award is not acceptable in the absence of any notice objecting to the award immediately.



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5. In view of the fact that the Lok Adalat was conducted and headed by a retired District Judge, the allegation made by the petitioners as if they were forced to sign the award before the Lok Adalat is not acceptable. If the allegation of the employment of force is true, the petitioners should have raised their finger immediately. After signing of the award, they waited nearly six months and then, issued notice to the 3rd respondent. In such circumstances, this Court is not inclined to accept the allegations made by the petitioners and accordingly, the petitioners have not made out any case to interfere with the Lok Adalat award passed on 20.04.2017. Hence, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2024

Index : Yes / No
Internet : Yes / No
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To

The learned Special Sub-Judge, Dharmapuri



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S.SOUNTHAR, J.

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C.M.P.No.17344 of 2018

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