



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7029 OF 2025

**POPAT NANA DHULE DIED THR LRS SARASWATI POPAT
DHULE AND OTHERS**

VERSUS

NIRMALA UTTAM RANSHUR

...

Mr. Abasaheb D. Shinde, Advocate for the Petitioners.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 12th JUNE, 2025.

P.C.:-

1. The petitioners impugn order dated 12.04.2014 passed below Exhibit-1 in Regular Civil Suit No.121/2013 in pursuance to award passed by Lok Adalat and seeks restoration of proceeding in suit.

2. Mr. Abasaheb Shinde, learned Advocate appearing for petitioners submits that land bearing Gut No.403 admeasuring 1H 77R situated at village Malegaon Thadi, Tq. Kopargaon, Dist. Ahmednagar was owned by one Popat Nana Dhule, who is father of petitioners. He submits that on death of father, mutation has been certified in the names of petitioners in the year 2021. The names of petitioners continued as owners and possessors of land. He would further point out that in pursuance of order dated 28.02.2023, petitioners have deposited fine imposed by Revenue Authority towards excavation of minor minerals. Mr. Shinde would submit that petitioners have been served with notice in respect of an application moved by respondent seeking mutation

entry based on award passed in Lok Adalat. Mr. Shinde would endeavour to impress upon this Court that such decree is *non-est* or obtained by fraud and, therefore, decree passed by Lok Adalat needs to be recalled.

3. Perusal of record shows that Regular Civil Suit No.121/2013 was filed by respondent/Nirmala Uttam Ranshur seeking specific performance of contract against father of petitioners. The said suit was transmitted to Lok Adalat where compromise pursis at Exhibits 17 and 18 was filed by parties and accordingly, suit of plaintiffs was decreed. The compromise records that amount of Rs.2,60,000/- is paid by plaintiffs to defendant i.e. Popat Nana Dhule, accordingly, he agreed to transfer land in favour of plaintiffs therein. On perusal of record, nothing is discernible to infer fraud or misrepresentation in obtaining award. Evidently, Lok Adalat settlement is recorded in the year 2014, thereafter defendant Popat Dhule expired in the year 2021. During his lifetime he never raised grievance as regards to decree or raised challenge to the same. Now legal representatives wish to challenge Lok Adalat award in year 2024.

4. It is trite that, award passed in Lok Adalat can be set aside by this Court in exercise of jurisdiction under 227 of the Constitution of India, however, such jurisdiction can be exercised only when award is vitiated by fraud and sufficient material to

infer fraud is brought on record. In this case except contention of petitioner, nothing is brought on record to show that decree is vitiated by fraud or misrepresentation.

5. In that view of the matter, there is no merit in Writ Petition. Hence, Writ Petition stands dismissed.

6. It is made clear that, if petitioners have any independent claim against respondent as regards to suit property, order passed in this Writ Petition would not be impediment.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/June-2025