

Shabnoor

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.2057 OF 2023

SHABNOOR
AYUB
PATHAN

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Shalan Sarjerao Aatpadkar

... Petitioner

V/s.

Bapurao Ramchandra Godse & Ors.

... Respondents

Mr. Mahendra Shingade, for petitioner.

Mr. Ramanand G. Sikhwat, for respondent Nos.2, 3, 8, 12 to 21.

Mr. Datta Mane for respondent Nos.1, 4 to 7 and 9 to 11.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 6, 2025

P.C.:

1. The petitioner is challenging the consent award passed by the Lok Adalat on the ground that the consent of the petitioner was obtained by way of fraud. It is well settled that a consent decree or award can be set aside only on limited grounds, such as fraud, misrepresentation, or coercion. In **State of Punjab v. Jalour Singh**, (2008) 2 SCC 660, the Supreme Court held that a Lok Adalat award is final and binding but can be challenged only by initiating appropriate proceedings before the competent court on limited grounds.

2. To establish fraud, the petitioner is required to lead evidence. This is possible only if such an application is filed before the same court that referred the matter to the **Lok Adalat**. This

view has been laid down in **Pushpa Devi Bhagat (D) Through Legal Representatives v. Rajinder Singh & Ors.**, (2006) 5 SCC 566, wherein the Supreme Court clarified that a consent decree or award does not operate as a bar to raising a plea of fraud in appropriate proceedings. Further, in **Banwari Lal v. Chando Devi (Smt) (Dead) by LRs & Anr.**, (1993) 1 SCC 581, the Supreme Court emphasized that an award of the Lok Adalat is enforceable as a decree but can be challenged if obtained by fraud or coercion.

3. In view of the aforesaid legal position, the writ petition stands disposed of with liberty to the petitioner to file an appropriate application before the same court that had referred the matter to the Lok Adalat, seeking recall of the consent award on the ground of fraud. The petitioner shall be at liberty to establish the plea of fraud in accordance with law, and the competent court shall consider such an application on its own merits, uninfluenced by the present proceedings.

(AMIT BORKAR, J.)