

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

WRIT PETITION NO. 6989 OF 2025

Rajendra Badrinath Pardeshi & Anr. ... Petitioners
Versus
Baliram Hari Jadhav ... Respondent

Mr. Vidyadhar Gangurde a/w Ashish Gaikwad and Anirudh Arote
for the Petitioners.

Mr. Sachin Dhakephalkar a/w Gavratna Kale for Respondent.

**CORAM: MANISH PITALE, J.
DATE : 24th JUNE 2025**

P.C. :

- . Heard learned counsel for the petitioners.
2. By this petition, the petitioners are challenging an order passed more than 6 years ago, by the Court of Civil Judge Senior Division, Malegaon, Dist. Nashik. The impugned order is dated 8th December 2018 and this petition has been filed in March 2025.
3. The impugned order in the present case records that within 10 minutes of an “award” passed by the panel of Lok Adalat, the original plaintiff realized that currency notes given by the petitioners (original defendants) for an amount of Rs.15 lakhs in pursuance of the compromise were bogus and they immediately moved the panel of Lok Adalat to bring this glaring fact to its notice. The impugned order took note of this turn of events and

specifically recorded in paragraph 3 that within 10 minutes the Advocates for both the sides i.e. the original plaintiff and the defendants (petitioners herein) appeared before the panel of Lok Adalat and consent given on behalf of the respondent (original plaintiff) was withdrawn on the ground that such bogus currency notes were given by the petitioners. The impugned order further records that the petitioners did not turn up before the panel and in such circumstances, the consent given on behalf of the original plaintiff (respondent herein) was withdrawn. It is specifically recorded that the suit could not be disposed of in such circumstances and that, in any case, it was yet to be disposed of even in the Court information system.

4. This order was passed as far back as on 8th December 2018, after which subsequent events have taken place, including registration of an FIR against the petitioners, their arrest consequent thereto and the fact that they are facing criminal prosecution on the aforesaid allegation of having given bogus currency notes for an amount of Rs.15 lakhs to the respondent.

5. It is also a matter of record that thereafter application for temporary injunction (Exhibit 5) was decided, issues were framed, evidence was recorded and now, the suit is pending before the concerned Court for final arguments.

6. It is at such a belated stage, after 6½ years that the petitioners have approached this Court, claiming that the

impugned order dated 8th December 2018 could not have been passed and that “award” of the Lok Adalat still exists, thereby claiming that the Court below could not have proceeded with the suit. Reliance is placed on judgment of the Supreme Court in the case of *Bhargavi Constructions & Anr. v/s. Kothakapu Muthyam Reddy & Ors., (2018) 13 SCC 480*, wherein the Supreme Court referred to Section 21 of the Legal Services Authorities Act, 1987 and held that any person aggrieved by an award of Lok Adalat, can challenge the same only by way of filing writ petition. On this basis, it was submitted by the learned counsel appearing for the petitioners that there was no scope for the Court below to have entertained the application of the respondent, much less recorded any withdrawal of consent leading to the suit being pursued further. On the question as to what took the petitioner so long to approach this Court, only a document tendered across the bar, showing that the petitioner No.2-Sanjay Pardeshi was given medicine by a Doctor, as per the said document dated 9th March 2021, for ischemic stroke. It was submitted that due to ill-health of petitioner No.2, the instant writ petition could not be filed at an earlier point in time.

7. On the other hand, the learned counsel appearing for the respondent vehemently opposed the present petition, submitting that this present petition is nothing but an abuse of the process of law. It was submitted that the petitioners have participated in the proceedings before the Court below, which have reached

culmination and the impugned order dated 8th December 2018 is fully justified in the light of the glaring fraud committed by the petitioners upon the respondent.

8. Reference was made to the criminal prosecution being faced by the petitioners and the fact that the bogus currency notes were given by the petitioner, led to the award never coming into existence, leading to the suit filed by the respondent being continued before the Court below for consideration on merits. It was submitted that fraud vitiates everything and the law laid down by the Supreme Court in the case of *Bhargavi Constructions & Anr.* (supra) would not apply to the facts of the present case.

9. Having considered the rival submissions, this Court has specifically perused the documents on record, including Exhibit 92, which is the document that records the terms and compromise between the parties. It is dated 8th December 2018 and in clause (2) it records about full refund to be given to the respondent (original plaintiff) in the context of stamp duty and other such terms. Much emphasis is placed on clause (8) on behalf of the petitioners, which records that no give and take transaction is left between the parties.

10. The impugned order specifically records, being an order on Exhibit 1, that within 10 minutes of the document Exhibit 92 being signed by the parties on the basis of compromise, the respondent along with his Advocate, as also the Advocate

representing the petitioners appeared before panel of Lok Adalat and informed that amount of Rs.15 lakhs given by the petitioners consisted of bogus currency notes. It was recorded that before the proceeding/suit could be disposed of, the aforementioned developments took place and pursis at Exhibit 93 was signed both by the Advocate representing the respondent as well as the Advocate representing the petitioners. The pursis was considered, while the petitioners did not turn up before the panel and consent of the respondent was withdrawn as per pursis at Exhibit 93. It was recorded that the suit was not disposed of and accordingly, the panel of Lok Adalat sent the record and proceeding to the concerned Court. A perusal of the said order clearly shows that the turn of events took place immediately and in such circumstances, the petitioners cannot claim that since Exhibit 92 recording the terms of compromise was signed, the suit itself stood disposed of instantaneously and that the respondent had no other remedy but to challenge the “award” of the Lok Adalat only by filing writ petition before this Court.

11. This Court cannot countenance such a contention being accepted, for the simple reason that before the ink on the terms of compromise at Exhibit 92 could dry up, the respondent along with his Advocate in the presence of the Advocate for the petitioners rushed to the Court within 10 minutes and divulged the fact that bogus currency notes were given by the petitioners. It is a matter of record that an FIR was registered against the petitioners in that

context, they were arrested and that they are facing criminal prosecution with regard to the said incident.

12. It is also a matter of record that the impugned order dated 8th December 2018 has remained in force, leading to the proceedings in the suit being continued, application for temporary injunction (Exhibit 5) being decided, evidence being recorded and the fact that the suit is now at the stage of final arguments before the Court below.

13. In these circumstances, this Court refuses to exercise writ jurisdiction in favour of the petitioners. They have failed to make out a case in their favour, for the reason that the terms of compromise signed at Exhibit 92 touted as “award” of the Lok Adalat by the petitioners, cannot convince this Court about applicability of the law laid down by the Supreme Court in the case of *Bhargavi Constructions & Anr.* (supra).

14. There is also no semblance of an explanation as to what took the petitioners 6½ years to file the present writ petition to challenge the said order dated 8th December 2018. The piece of paper tendered across the bar concerning only petitioner No.2, cannot be the basis for explaining such long delay.

15. The learned counsel for the respondent produced the evidence recorded before the concerned Court, during the proceeding pending in the suit. In cross-examination, the

petitioner No.1 has conceded to the fact that he and the petitioner No.2 are facing criminal prosecution, as per Case No. 408 of 2019, as also the fact that the petitioners never challenged the order dated 8th December 2018 and that they accepted the order, leading to further proceedings in the suit. This Court has taken judicial notice of the said material. There is substance in the contention raised on behalf of the respondent that this writ petition can be said to be an abuse of process of law, only with a view to delay or hamper the proceedings in the suit before the concerned Court, where the matter has reached the stage of final arguments.

16. No case is made out by the petitioners for exercising writ jurisdiction.

17. Hence, the writ petition is dismissed.

MANISH PITALE, J.