IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15946 OF 2025

Amruta Mahipati Salunke ..Petitioners
Since deceased through her LR's

Versus

Dadasaheb Namdev Salunke & Ors. ...Respondents

Mr. Mahesh Barve, for petitioner.

CORAM: N. J. JAMADAR, J.
DATE : 23rd DECEMBER 2025

ORDER:

1. Heard the learned Counsel for the petitioners, who are the successors in interest of Amruta Salunke – the deceased/Defendant No. 3, in Civil Suit No. 182/2001.

2. The Respondent Nos. 2 to 6 herein, had instituted a suit for declaration, partition and possession of the suit properties described in paragraph No. 1 of the plaint. The learned Civil Judge, by a judgment and decree dated 28th April, 2006, partly decreed the said suit declaring, inter alia, that, the Respondent Nos. 2 and 3 – Plaintiff Nos. 1 and 2, were entitled to 5/12th share in property mentioned in the will of Late Babu. Rest of the claim of the plaintiffs was dismissed.

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3. Being aggrieved, the Dadasaheb Salunke, the original Defendant No. 1, and predecessor in title of Respondent Nos. 1A to 1F, had preferred appeal, being RCA No. 534/2006. The Plaintiff Nos. 1 and 2-Respondent Nos. 1 and 2 in the said appeal, had preferred cross appeals. It seems, on 29th February, 2024, the appellants – Respondent Nos. 1A to 1F filed a pursis to the effect that the Respondent Nos. 6 to 16, including the deceased Amruta Salunke, who was impleaded as Respondent No. 7 in the said appeal, were formal parties. No relief was sought against those respondents. Nor the said respondents had filed a written statement seeking reliefs in their favour. Therefore, the Respondent Nos. 6 to 16 be deleted from the array of the respondents.

4. On 03rd March, 2024, the said Appeal (RCA No. 534/2006) was posted before the National Lok Adalat. The appellants and Respondent Nos. 1 to 5 to the said appeal filed a compromise pursis before the Lok Adalat and in accordance with the compromise pursis (Exh. 143), the appeal came to be disposed. A decree was directed to be drawn in terms of compromise pursis. The Respondent Nos. 1 and 2 – original plaintiffs also withdrew the cross appeals by filing pursis (Exh. 144).

5. The learned Counsel for the petitioners submitted that, the appeals were withdrawn surreptitiously behind the back of the petitioner – Respondent No. 7/original Defendant No. 3. The petitioners were unaware that the Plaintiff Nos. 1 and 2 and the appellants had entered into a settlement. The compromise decree operates to the prejudice of the petitioners.

6. I have carefully perused the material on record. The learned Civil Judge has recorded in the judgment, whereby the suit was partly decreed that, Amruta Salunke, the predecessor in title of the petitioners – the original Defendant No. 6, who came to be subsequently arrayed as Defendant No. 3, post amendment, had filed written statement at Exh. 214. Late Amruta Salunke had admitted the suit of the plaintiffs. It was contended that, Govind had executed the will dated 17th November, 1994, and, therefore, the original Defendant No. 6 claimed property as mentioned in the said Will of Govind.

7. Evidently, the original Defendant No. 6 had admitted the suit claim. Thus, having admitted the suit claim, the original Defendant No. 6 could not have been an aggrieved party. Even otherwise, if the original Defendant No. 6 was aggrieved by the judgment and decree passed by the Trial Court, it was

incumbent upon the original Defendant No. 6 to file an appeal against the said decree. When the Court inquired with Mr. Barve, the learned Counsel submitted that, the Defendant No. 6 had indeed filed cross appeal. If that is the case, the cross appeal would be required to be decided independently on its own merits.

8. This Court does not find that, the petitioners can be said to be the persons who are aggrieved by the impugned decree passed by the National Lok Adalat. A challenge to the award passed by the Lok Adalat can be entertained in a writ jurisdiction, on limited grounds like inherent lack of jurisdiction, fraud or irretrievable injustice. Supervisory writ jurisdiction cannot be converted into an appellate jurisdiction against an award passed by the Lok Adalat.

9. In the case of **State of Punjab & Anr. Vs. Jalour Singh & Ors.**[1] a three Judge Bench of the Supreme Court enunciated that, where an award is made by Lok Adalat in terms of a settlement arrived at between the parties, (which is duly signed by parties and annexed to the award of the Lok Adalat), it becomes final and binding on the parties to the settlement and

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1 (2008) 2 SCC 660

becomes executable as if it is a decree of a civil court, and no appeal lies against it to any Court. If any party wants to challenge such an award based on settlement, it can be done only by filing a petition under Article 226 and/or Article 227 of the Constitution, that too on very limited grounds.

10. Following the aforesaid judgment, the Supreme Court expounded the legal position in a recent pronouncement in the case of **Dilip Mehta Vs. Rakesh Gupta & Ors**[2] as under:-

> *"**9.** This Court has, in a series of decisions, explained the consequence of this statutory finality. In State of Punjab V. Jalour Singh (supra), it was held that where an award is made by a Lok Adalat in terms of a settlement between the parties, it is final and binding and executable as a decree, and that no appeal lies against it. It was further held that, any challenge to such an award must be brought before the High Court in proceedings under Articles 226 or 227 of the Constitution of India and only on limited grounds such as lack of consent, jurisdictional error or fraud. In Bhargavi Constructions v. Kothakapu Muthyam Reddy (Supra), this Court applied the same principle to a civil suit which sought to impeach a Lok Adalat*

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2 2025 SCC OnLine SC 2737

> *award and held that a civil suit to set aside such an award is not maintainable and that the only proper remedy is a writ petition before the High Court.*
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> *10. The principle that emerges is that the statutory finality attached to a Lok Adalat award leaves no room for an appellate or plenary civil remedy against the award treated as a decree. The award may be executed as a decree, but its validity cannot be reopened through an ordinary civil suit or by treating some other civil proceeding as a vehicle for setting it aside. The only recognized avenue of challenge is the constitutional jurisdiction of the High Court, which is supervisory and exceptional in nature.*
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> *(emphasis supplied)*

11. In the aforesaid view of the matter, this Court does not find any justifiable reason to entertain the petition against the decree passed by the National Lok Adalat, in exercise of extraordinary jurisdiction.

12. Hence, the petition stands dismissed.

[N. J. JAMADAR, J.]