



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-06-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 5461 of 2019

1. Pasappa

S/o.Late Krishnan

2. Muniammal

W/o.Govindasamy

3. Bakkiyam

W/o.Govindan,

4. Madhappan

S/o.Late Krishnan

5. Murugammal

W/o.Arumugam

Petitioner(s)

Vs

1. The Judicial Member

District Legal Services Authority,
Krishnagiri District, Krishnagiri

2.The Member

District Legal Services Authority,
Krishnagiri District,



Krishnagiri

3.P.N.Shanash Begum

W/o.KBK. Dawood Mohammed

4.M.Ramachandran

S/o.M.K.Munusary Gounder

5.C.Venkatraman,

S/o.Chendrayan

6.M.Madhu

S/o.Late Muniyappan

7.M.Rajendran

S/o.Marappa Gounder

Power Agent of C.Venkatraman

8.Govindaraj

S/o.Perumal

9.C.R.Lakshmanan

S/o.Chinnapaiyan @ Ramasamy

10.C.R.Thirupathi Gounder

S/o.Late.Chinnapaiyan @ Ramasamy

11.Rani

W/o.C.R.Thirupathi Gounder

12.A.Saratha

W/o.A.T.Arunagiri

13.Arunagiri

S/o.K.M.Thimmaraya Shetty

Respondent(s)

**PRAYER**

Call for the records relating to the impugned award passed by the respondents 1 and 2 in Award LAB No.192/15 dated 11/09/2015 and quash the same and further direction directing the respondents 1 and 2 to reconstitute the Fresh Lok Adalat and allot 1/5th share to the petitioners from the suit schedule property in O.S.No.160/2010 on the file of the Learned Additional Sub Judge, Krishnagiri within the stipulate period fixed by this Court.

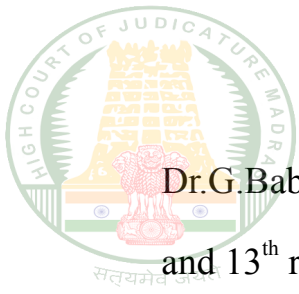
For Petitioner(s): Mr.C.Samivel

For Respondent(s): Mr.V.P.R.Elamparithi
Additional Government Pleader for R1&2
Mr.Shankar for M/s.Gupta & Ravi for R3
Dr.G.Babu for R6&7
Mr.Avinash Wadhwani for R12&13
R4&9 Died (Steps due)

ORDER

This writ petition has been filed challenging the Lok Adalat award passed by the 1st and 2nd respondents in LAB No.192/15, dated 11.09.2015 and for further direction to the 1st and 2nd respondent to reconstitute the fresh Lok Adalat and to allow 1/5th share to the petitioner from the suit schedule property in O.S.No.160 of 2010 on the file of the learned Additional Sub Judge, Krishnagiri.

2. Heard Mr.C.Samivel, learned counsel for the petitioner and Mr.V.P.R.Elamparithi, learned Additional Government Pleader appearing for the respondents 1 and 2, Mr.Shankar for M/s.Gupta & Ravi for the 3rd respondent,



Dr.G.Babu for the 6th and 7th respondents and Mr.Avinash Wadhwani for the 12th and 13th respondents.

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3. The suit in O.S.No.160 of 2010 was filed seeking for the relief of specific performance. The petitioners' mother was the 2nd plaintiff in that suit. The grievance of the petitioners is that their mother died and the other plaintiffs colluded with the defendants and the matter was referred to Lok Adalat and an award came to be passed on 11.09.2015, wherein they have received a total sum of Rs.10,00,000/- from the 3rd defendant and given up the claim. According to the learned counsel for the petitioners, the legal heirs of the 2nd plaintiff ought to have been impleaded as they had 1/5th share in the entire claim made pursuant to the agreement of sale dated 09.07.2004.

4. In the considered view of this Court, the relief of specific performance is a discretionary relief. Even if all the ingredients are satisfied, the Court can always exercise its discretion and not grant the relief, considering the facts of each case. In the case on hand, the right was claimed based on the agreement of sale dated 09.04.2004. The suit itself came to be filed only in the year 2008, and the suit was numbered in the year 2010. Ultimately, the parties resolved the issue in the year 2015.

5. This Court does not find any flagrant fraud committed by the parties



except for a procedural infirmity without any serious consequences. The 2nd plaintiff, who was one of the agreement holders died and the other plaintiffs decided to resolve the dispute amicably with the defendants. This does not, in any way, constitute fraud against the legal heir of the 2nd plaintiff, to warrant interference against the Lok Adalat award. When this Court deals with a writ petition challenging the Lok Adalat award, a fraud must be established to exercise the jurisdiction under Article 226 of the Constitution of India. Merely because the petitioners are claiming 1/5th share based on the agreement of sale, which by itself does not create any right or interest, this Court is not inclined to exercise its jurisdiction under Article 226 of the Constitution of India at this length of time.

6. In view of the above, the writ petition is closed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed. WMP.No.5770 of 2019, the petition filed to permit the petitioners to file a single petition, stands allowed, inasmuch as the petitioners have paid separate set of Court fees.

16-06-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Judicial Member

District Legal Services Authority,
Krishnagiri Dt, Krishnagiri Krishnagiri

2. The Member

District Legal Services Authority,
krishnagiri Dt, Krishnagiri



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N.ANAND VENKATESH J.

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