

W.A.(MD)No.738 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

**W.A.(MD)No.738 of 2025
and
C.M.P.(MD)No.5080 of 2025**

Palaniyappan

...Appellant

-Vs-

1.Revathi

2.Mega Lok Adalat Committee,
Thuraiyur, Tiruchirapalli District.

...Respondents

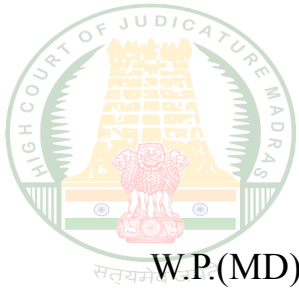
PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act, to set aside the order of this Court made in W.P.(MD)No.4976 of 2018 dated 08.11.2024.

For Appellant : Mr.R.Balakrishnan
For R1 : Mr.P.M.Vishnuvarthanan

JUDGMENT

(Judgment of the Court was made by **S.SRIMATHY, J.**)

This writ appeal is filed against the order dated 08.11.2024 passed in



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W.P.(MD)No.4976 of 2018.

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2. The writ petition was filed for issuance of Writ of Certiorarified Mandamus to quash the impugned award passed by the first respondent i.e. Mega Lok Adalat Committee, Thuraiyur in M.C.No.3 of 2013 on the file of the Judicial Magistrate Court, Thuraiyur and consequently direct the first respondent to modify the award only to the effect that the agreed maintenance amount of Rs.2000/- per month should be paid to the petitioner by the respondent from the date of the petition i.e. on 31.01.2013.

3. The appellant is the husband and the writ petitioner is the wife, their marriage was solemnized on 25.06.1997. After living for 13 years, the husband got ex-parte divorce from the wife on 07.09.2010. Even though the wife alleges that she is aware of such ex-parte divorce, she has not taken any steps to set aside the same, therefore the same attained finality. In the meanwhile, the wife had filed M.C.No.3 of 2013 on the file of the Judicial Magistrate Court, Thuraiyur and the case was referred to Mega Lok Adalat Committee, Thuraiyur. The wife admits that even though she sought Rs.10,000/- as monthly maintenance in the M.C. petition, due to the advice of elders and advocate she agreed for Rs.2000/-



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as monthly maintenance before the Lok Adalat and an award dated 09.12.2007.

The only contention of the wife is that it was agreed to pay the maintenance from the date of petition and not from the date of the award but, the award was passed as if it was agreed to pay from the date of the award. The husband failed to pay maintenance from 2012 onwards, hence the maintenance petition was filed in the 2013. Now if it is reduced, the wife would face difficulties for her existence. Hence, the present writ petition was filed claiming to pay Rs.2,000/- from the date of the petition.

4. The writ petition was allowed and the matter was remanded back to the Learned Judicial Magistrate for fresh consideration. The Writ Court further held that the writ petitioner is entitled for interim maintenance to the tune of Rs.10,000/- per month. Aggrieved over the same, the present writ appeal is filed by the husband.

5. It is the case of the husband that the wife had agreed for monthly maintenance for Rs.2,000/- at Lok Adalat, based on the same award was passed in the Lok Adalat to that effect. But it is the case of the wife that she agreed for Rs.2,000/- before Lok Adalat, but the same is payable from the date of the petition and not from the date of the award. The learned counsel appearing for the



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wife reiterating the contentions set out in the affidavit filed in support of the writ petition and has vehemently opposed this writ appeal.

6. Heard the learned counsel appearing on either side and perused the materials placed on record.

7. It is settled proposition that the award passed by the Lok Adalat has become final and binding on all the parties to the dispute, and no appeal shall lie to any Court against the award passed in the Lok Adalat, unless there is allegation that the award is passed fraudulently. In the present case, there is no allegation of fraud. As held *supra* the wife agreed for Rs.2,000/-. Even her prayer in the writ petition is to direct the husband to pay the said Rs.2,000/-. The only dispute between them is whether it is payable from the date of the award or from the date of the petition. At the most the issue can be defined that there was no consensus between the parties. Definitely the same cannot be stated as fraud. Therefore, the order passed by the Writ Court is erroneous and the same is liable to be set aside.

8. Generally, the cases are referred to Mediation and Lok Adalat to settle the cases. If such settled cases are allowed to be contested again, then there



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will not be any end to the litigation. Hence, on this ground also the writ petition cannot be entertained.

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9. At this juncture, the counsel appearing for the wife submitted that even though the award was passed in the year 2017, the husband has not chosen to pay a single paise to the wife till date. Further submitted that the wife is entitled to the increased maintenance for the subsequent years. This Court is of the considered opinion that the increased maintenance for subsequent years is a separate cause of action and the wife is at liberty to approach the court as per law.

10. Admittedly, the award for a sum of Rs.2,000/- was passed in Lok Adalat on 09.12.2017. This Court during earlier hearing of this case, has directed the husband to pay a sum of Rs.5,00,000/- to the wife towards arrears of maintenance. The learned counsel appearing for the wife submitted a calculation memo that the arrears of maintenance come only to Rs.2,94,000/- which is calculated as follows:

<i>"2013 – 11 months:</i>	<i>Rs.0,22,000/-</i>
<i>From 2014 to 2024 – 11 years:</i>	<i>Rs.2,64,000/-</i>
<i>For 2025 from Jan to April</i>	
<i>4 months:</i>	<i>Rs.00,8,000/-</i>



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Total:

Rs.2,94,000/-

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Hence, the direction issued by this Court to pay a sum of Rs.5 lakhs ought to be modified. It is seen that the M.C. petition was filed on 29.01.2013, therefore this Court is including January 2013 and directing the husband to pay for the month of January 2013 also which comes to Rs.2,96,000/-. Further the husband failed to pay the maintenance inspite of the award passed in the year 2017. Therefore, the husband is directed to pay Rs.5,000/- as cost to the wife. Therefore, this Court is of the considered opinion that the husband is liable to pay Rs.3,01,000/- including costs. Accordingly, the civil miscellaneous petition in C.M.P.(MD)No.6099 of 2025 is ordered.

11. The learned counsel appearing for the husband submitted that the husband had so far deposited a sum of Rs.2,90,000/-, of which Rs.20,000/- was paid through the Trial Court and Rs.2,70,000/- was deposited in the account of the wife. Therefore, the balance of Rs.11,000/- (Rupees Eleven Thousand only) shall be paid within a period four weeks from the date of receipt of the copy of the order. The husband shall pay the monthly maintenance from May, 2025



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onwards without fail.
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12. In light of the above directions and observations, this writ appeal is allowed as stated supra. Consequently, the connected miscellaneous petition in C.M.P.(MD)No. 5080 of 2025 is closed and C.M.P.(MD)No.6099 of 2025 is ordered.

(J.N.B.,J.) (S.S.Y.,J.)
07.04.2025

Index : Yes/No
Internet : Yes/No
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To

Mega Lok Adalat Committee,
Thuraiyur, Tiruchirapalli District.



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J. NISHA BANU,J.
and
S.SRIMATHY.J

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