



C.R..P.(NPD)(MD).No.1052 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(NPD)(MD)No.1052 of 2023

and

C.M.P(MD) No.4954 of 2023

Panchavarnam

... Petitioner/
3rd Party

Vs.

1. Inbaraj

... 1st Respondent/
Plaintiff

2. Arumugaperumal

... 2nd Respondent/
Defendant

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the Lok Adalat order in O.S.No.356 of 2016 dated 14.12.2016, on the file of Sub Court, Thoothukudi and allow this Civil Revision Petition.

For Petitioner : Mr.S.Slevakumar

For R1 : Mr.S.Senthil Sankaranathakumar

For R2 : Mr.D.Srinivasaragavan



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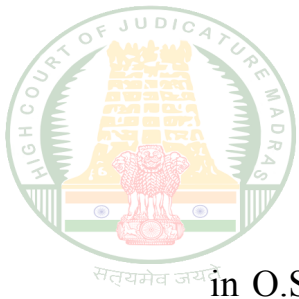
ORDER

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A third party to O.S.No.356 of 2016 on the file of the Sub Court, Tuticorin, has filed the present Civil Revision Petition to set aside the Lok Adalat Award passed in the above said suit on 14.12.2016.

2. The present revision petitioner, namely, Panchavarnam, has entered into a sale agreement to purchase the suit schedule properties with the second respondent, namely, Arugumugaperumal (owner of the property) on 13.09.2004. Since the second respondent herein has not come forward to execute the sale deed, the revision petitioner has filed the suit in O.S.No.81 of 2007 before the District Munsif Court, Srivaikundam, for the relief of specific performance. The suit was decreed as prayed for on 26.08.2008. The revision petitioner has filed E.P.No.10 of 2009. The Court has executed the sale deed on 17.06.2016, and it was registered as document No.471 of 2016.

3. The second respondent, Arumugaperumal, is said to have executed another sale agreement with regard to the same property in favour of the first respondent (Inbaraj) on 12.12.2003. The said Inbaraj had filed the present suit



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in O.S.No.356 of 2016, before the Sub Court, Thoothukudi, for the relief of specific performance of the agreement dated 12.12.2003. The suit was referred to Lok Adalat and it was settled on 14.12.2016, wherein the second respondent herein had agreed to execute a sale deed in favour of the first respondent. Since the second respondent has not complied with the decree, the first respondent has filed E.P.No.66 of 2017. The Court has executed a sale deed on 21.06.2018, and the same is pending before the Sub Registrar Office, Alwarthirunagari, for payment of deficit stamp duty in document No. 647 of 2018 and the document is yet to be released.

4. According to the learned counsel appearing for the revision petitioner, when the Court has already executed a sale deed in his favour on 17.06.2016, the present suit has been filed by the first respondent on 06.10.2016 and it has been settled in the Lok Adalat on 14.12.2016. He further brings to the notice of this Court that the first respondent in the revision petition (Inbaraj) is none other than the son-in-law of the second respondent, namely, Arumugaperumal. The Court has passed a decree as against the second respondent herein in O.S.No.81 of 2007 and has executed a sale deed in favour of the revision petitioner/Panchavarnam on 17.06.2016,



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thereafter, the present suit has been filed by the son-in-law of the second respondent in O.S.No.356 of 2016, in collusion and in order to deprive the rights of the revision petitioner. Since the Lok Adalat Award, dated 14.12.2016, is vitiated, by fraud, same is liable to be set aside.

5. Per contra, the learned counsel appearing for the second respondent herein had contended that when the sale agreement was executed by the second respondent in favour of the first respondent, on 12.12.2003, the first respondent was not son-in-law and due to some dispute, the suit in O.S.No. 356 of 2006 came to be filed and therefore, the present settlement before the Lok Adalat cannot be considered to be a fraudulent one or the suit cannot be considered to be a collusive suit.

6. The learned counsel appearing for the first respondent/plaintiff had contended that the suit was filed by his client in O.S.No.356 of 2016 unaware of the fact that already a decree has been passed in O.S.No.81 of 2007. Therefore, it cannot be considered as a collusive suit or Lok Adalat Award was settled due to fraud between the parties. Hence, he prayed for sustaining the Lok Adalat Award.



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7. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

8. The undisputed facts captured above will clearly indicate that the District Munsif Court, Srivaikundam, had executed a sale deed in favour of the revision petitioner in E.P.No.10 of 2009 in O.S.No.81 of 2007 on 17.06.2016. The said document has been registered as Document No.471 of 2016. Only thereafter, the first respondent herein/Inbaraj, who is none other than the son-in-law of the second respondent/Arumugaperumal, has chosen to file O.S.No.356 of 2016 and the suit has been settled before the Lok Adalat on 14.12.2016 within a period of two months.

9. Considering the relation ship between the plaintiff and the defendant in O.S.No.356 of 2016 and the suppression of the decree passed in O.S.No.81 of 2007 and the sale deed executed in the said suit, this Court is of the firm view that the Lok Adalat Award has been obtained by playing fraud upon the court. This Court has no hesitation to hold that such a Lok Adalat award is vitiated by fraud and the same is liable to be set aside. Consequently the sale



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deed said to have been executed by the Court in favour of the first respondent/Inbaraj dated 21.06.2018, is also liable to be set aside.

10. Accordingly, this Civil Revision Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

24.03.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Sub Court,
Thoothukudi.
2. The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR,J.

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