



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.(MD)No.2003 of 2025

and

C.M.P.(MD).No.11618 of 2025

A.Rajendran

...Petitioner

Vs.

1.Ariyamala

2.Saroja

3.Nagammal

4.Kumaravel

5.Pitchai

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to strike off the judgment and decree dated 28.03.2022 in O.S.No.97 of 2020 on the file of the Principal District Munsif Court, Thanjavur and allow this petition.

For Petitioner

: Mr.R.Rajaraman

For R-1 to R-4

: Mr.T.A.Ebanezer

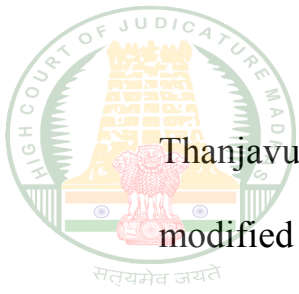


ORDER

This Civil Revision Petition has been filed to strike off the judgment and decree dated 28.03.2022 made in O.S.No.97 of 2020 on the file of the Principal District Munsif Court, Thanjavur.

2. The respondent Nos.1 and 2 herein filed a suit in O.S.No.97 of 2020 on the file of the Principal District Munsif Court, Thanjavur, against respondents 3 to 5 seeking decree of permanent injunction. The said suit was referred to the Lok Adalat, Thanjavur, organized by the District Legal Services Authority, Thanjavur and was settled between the parties, resulting in an award dated 11.09.2021. In view of the Lok Adalat award, the said suit was decreed on 28.03.2022 as per the terms of the settlement award.

3. The petitioner herein is a third party to the said proceedings. The revision petitioner, along with others, is the Hereditary Trustee of Sengamalanachiamman Temple. Earlier, in respect of the very same suit property, respondent Nos.1, 2, 3, and 5 herein had filed a suit in O.S.No.105 of 2005 before the District Munsif Court, Thanjavur, against the present petitioner, seeking to restrain him from peaceful possession and enjoyment of the property situated in T.S.No.2579. The said suit was decreed in their favour by judgment and decree dated 21.04.2009. Aggrieved by the same, the petitioner preferred an appeal in A.S.No.34 of 2009 on the file of the Principal Sub Court,



Thanjavur. By judgment dated 27.07.2010, the learned Sub Judge partly modified the decree, granting permanent injunction only in respect of the toilets in T.S.No.2579/2, and not for the entire extent as described in the plaint schedule. It was specifically held that the property in T.S.No.2579 / 2 is under the ownership and possession of the Sengamalanachiamman Temple, and that the plaintiffs therein could only protect possession until they are evicted by due process of law by the temple authorities.

4. In spite of the above appellate finding, respondent Nos.1 and 2 instituted a fresh suit in O.S.No.97 of 2020, arraying respondent Nos.3 to 5 as defendants, without impleading either the present petitioner or the temple, and obtained a Lok Adalat award dated 11.09.2021. The petitioner contends that the said award is not binding on him or on the temple, as it has been passed behind their back and in contravention of the earlier binding decree in A.S.No.34 of 2009. Hence, the present revision has been filed challenging the validity of the Lok Adalat award.

5. When the matter was taken up for hearing, the learned counsel appearing for the respondents reported 'no instructions'.

6. The facts in the present case are not in dispute. Admittedly, the very same respondent Nos.1, 2, 3 and 5 earlier filed a suit against the petitioner in



respect of the same property. The suit schedule property in T.S.No.2579/2 has been held to belong to the temple as per the judgment in A.S.No.34 of 2009 in which the present petitioner and other parties were participants. Despite this, respondent Nos.1 and 2 filed a suit in O.S.No.97 of 2020 without impleading the temple or the petitioner and obtained a Lok Adalat award. This is clearly contrary to the judgment of the lower appellate court and amounts to a misrepresentation before the court.

7. Under Section 22(3) of the Legal Services Authorities Act, 1987 an award of the Lok Adalat is final and binding on the parties to the dispute and is deemed to be a decree of the civil court; ordinarily, it is not appealable. However, it is well-settled that a fraudulent decree or award obtained by suppression of material facts or misrepresentation is a nullity in the eyes of law and can be challenged under Article 227 of the Constitution of India. It is relevant to note the judgment of the Hon'ble Supreme Court in the case of ***Bharvagi Constructions and another Vs. Kothakapu Muthyam Reddy and Others*** reported in ***AIR 2017 SC 4428***. The relevant portion in the said judgment is extracted hereunder:

“38) In the light of foregoing discussion, we cannot concur with the reasoning and the conclusion arrived at by the High Court.

39) As a result, the appeal succeeds and is allowed. Impugned order is set aside and that of the order passed by the



Trial Court is restored. As a consequence, the application filed by the appellants (defendants) under Order 7 Rule 11 (d) of the Code is allowed resulting in rejection of the plaint.

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40) We, however, make it clear that the respondents (plaintiffs) would be at liberty to challenge the legality and correctness of the award dated 22.08.2007 passed by the Lok Adalat by filing the writ petition under Article 226 or/and 227 of the Constitution in the High Court in accordance with law.”

8. In the present case, the award of the Lok Adalat dated 11.09.2021 in O.S.No.97 of 2020 has been passed in utter disregard to the binding judgment in A.S.No.34 of 2009 and without impleading the necessary and proper parties. The suit itself was not maintainable in view of the earlier adjudication. Hence, the Lok Adalat award is vitiated by fraud and misrepresentation.

9. Accordingly, the judgment and decree dated 28.03.2022 in O.S.No.97 of 2020 on the file of the Principal District Munsif Court, Thanjavur, and the Lok Adalat award dated 11.09.2021 organized by the District Legal Services Authority, Thanjavur, are hereby set aside.

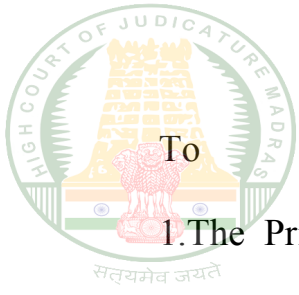
10. In the result, the Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

04.08.2025

Internet:Yes/No

Index:Yes/No

TSG



To

1.The Principal District Munsif Court, Thanjavur.

2.The District Legal Services Authority, Thanjavur,

3 .The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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