

(2001) 11 AP CK 0072
In the Andhra Pradesh High Court
Case No : CRP No. 3564 of 2001

L. Sathyanarayana Murthy and Another	APPELLANT
Vs	
Land Acquisition Officer, Revenue Divisional Officer, Chittoor	RESPONDENT

Date of Decision : 28-11-2001

Acts Referred:

Legal Services Authorities Act, 1987 — Section 22(3)
Penal Code, 1860 (IPC) — Section 193, 195, 219, 228
Succession Act, 1925 — Section 372

Citation : (2002) 2 ALD 76 : (2002) 1 ALT 355

Hon'ble Judges : B.S.A. Swamy, J

Bench : Single Bench

Advocate : O. Manohar Reddy, for the Appellant; Government Pleader for Arbitration, for the Respondent

Judgement

B.S.A. Swamy, J.—Questioning the orders of the Additional Senior Civil Judge, Tirupathi, in EA No. 322 of 2001 in OEP No. 26 of 1990 in OP No. 83 of 1982 dated 10th July, 2001 in refusing to release the compensation to the legal heirs of one late L. Kumaraswamy on the ground that no succession certificate was produced, the present revision petition is filed.

2. Heard both the Counsel.

3. The facts are not in dispute. The lands of late Kumara Swamy along with others were acquired for a public purpose and the matter seemed to have went upto Supreme Court with regard to the quantum of compensation payable for the lands that were acquired and it attained finality. Thereafter some disputes seemed to have arisen between the legal heirs of late Kumara Swamy and the female heirs of late Kumara Swamy filed OS No. 60 of 2001 on the file of Principal Senior Civil Judge, Tirupati and ultimately the matter was settled in Lok Adalat and an award was also passed by the Lok Adalat. After obtaining the award in Lok Adalat, the legal heirs approached the Senior Civil Judge for disbursement of the compensation to them as per the Award. But the Senior Civil

Judge dismissed the said application on the ground that they have not filed a succession certificate. Hence, this revision petition.

4. Admittedly, u/s 22(3) of the Legal Services Authorities Act, 1987, all proceedings before a Lok Adalat shall be deemed to be the judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code and every Lok Adalat shall be deemed to be a Civil Court for the purpose of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974). Hence, the award passed by the Lok Adalat is on par with the decree that is to be passed by a Civil Court while adjudicating the disputes and the same is executable in a Court of law. In other words, the award, which is in terms of a decree of a Civil Court, binds all the parties to the proceedings. Hence, all the parties before the Civil Court were the parties before the Lok Adalat and therefore the award passed by the Lok Adalat will entitle the legal heirs of late Kumaraswamy to withdraw the amount. Hence, the order of the Court below cannot be sustained in law. Further, a Division Bench of this Court in Life Insurance Corporation of India Vs. Tada Tirupathayya, , held that under the Hindu Law, there is a clear distinction between succession and the devolution of property by survivorship. The Succession Act, as is indicated in the preamble, covers cases of succession only and cases of survivorship are not within the ambit of that Act. Where a family is a joint Mitakshara family and the amount sought to be recorded is an asset of the joint family, the plaintiff, who claims by survivorship, cannot be compelled to take out a succession certificate to enable him to recover the amount. From the above, it is seen that the Succession Act covers cases not covered by survivorship and as such the Court is not justified in insisting for a Succession Certificate for disbursement of the compensation payable to the legal heirs of late Kumara Swamy, who constitute the Joint Family as per the award of the Lok Adalat.

5. For the above, I have no hesitation to hold that the order of the Court below is vitiated and the same is set aside.

6. Accordingly, EA No. 322 of 2001 is allowed and a direction is given to the Additional Senior Civil Judge, Tirupati, to disburse the amount to the petitioners in terms of the award passed by the Lok Adalat on 28-3-1981.

7. The Government Pleader submits that by inadvertence, excess amount has been deposited in the Court and a direction may be given to the Senior civil Judge to deduct the excess amount while disbursing the amount. I cannot grant the relief sought for by the Government Pleader in this revision petition. If any, excess amount is deposited, it is always open to the Government to file an application before the Court concerned and if any such application is filed, the officer concerned may pass appropriate orders after affording an opportunity to the claimants and after giving a personal hearing to them.