

(2005) 11 KL CK 0032
In the High Court Of Kerala
Case No : Unnumbered F.A.O. of 2005

Rajeswary

APPELLANT

Vs

Sooraj

RESPONDENT

Date of Decision : 29-11-2005

Acts Referred:

Constitution of India, 1950 — Article 226
Legal Services Authorities Act, 1987 — Section 21, 21(2)

Citation : AIR 2006 Ker 137 : (2006) 1 KLT 203 : (2006) 1 RCR(Civil) 766

Hon'ble Judges : J.M. James, J

Bench : Single Bench

Advocate : Vinod Ravindranath, for the Appellant;

Final Decision : Dismissed

Judgement

J.M. James, J.—In the Lok Adalath held by the Taluk Legal Services Committee, Koyilandy, dated 30-9-2004, O.S.No. 22 of 1998 pending on the file of the Sub Court, Koyilandy, was compromised. u/s 21(2) of the Legal Services Authority Act, 1987, in short "the Act", every award made by the Lok Adalat shall be final and binding on all the parties to the dispute and no appeal shall lie to any court against the award. This appeal has been filed, challenging the award passed by the Lok Adalat, inter alia, challenging the interest of 18% awarded by the Adalat and imposing a penal provision.

2. The office has noted that the appeal is not maintainable as per Section 21 of the Act and also as the valuation of the appeal is below rupees one lakh.

3. Counsel brought to my notice the decision of this Court in Thomas Job Vs. Thomas, , in which a regular revision, challenging the award passed by the Lok Adalat conducted by the District Legal Services Committee, Alappuzha, on the ground that the revision petitioner therein had not complied with the terms of the compromise and, as such, the revision petitioner was not entitled to get the award executed through the court, was admitted, heard and allowed. The said

decision of the learned single Judge was challenged before the Apex Court and in P.T. Thomas v. Thomas Job 2005 (3) KLT 1042 (SC) : (2005) 6 SCC 478 the court held that:

Just as the decree passed on compromise cannot be challenged in a regular appeal, the award of the Lok Adalat, being akin to the same, cannot be challenged by any of the regular remedies available under law, including by invoking Article 226 of the Constitution and challenging the correctness of the award, on any ground. Judicial review cannot be invoked in such awards, especially on the grounds as were raised in the revision petition.

In view of this principle of the Apex Court, the decision in Thomas Job v. P.T. Thomas (*supra*) cannot be applied.

4. The learned single Judge of this Court, who had occasion to consider Thomas Job v. P.T. Thomas also dealt with another original petition, Mini Mathai v. Federal Bank of India ILR 2003 Ker. 317, praying to quash an award passed by the Lok Adalat held by the District Legal Services Committee constituted under the Act. Allowing the prayer, the learned single Judge had quashed the award passed by the Lok Adalat. In view of the decision of the Supreme Court in P.T. Thomas v. Thomas Job (cited above), this decision too is not a good law.

5. In the light of the law and facts discussed above, I hold that an award passed in an Adalath, conducted by any of the authorities, as per the provisions of the Act, cannot be challenged through the regular remedies available under the law, including under Article 226 of the Constitution of India. Therefore, no appeal will lie, following the principle in Mini Mathai v. Federal Bank of India and Thomas Job v. P.T. Thomas, *supra*.

Accordingly, I sustain the defect noted by the Registry that the appeal is not maintainable. Hence, this appeal is rejected. However, in the peculiar facts of this case, I make it clear that the filing of this appeal before this Court and the time taken to close the same will not stand in the way of the appellant approaching the authorities for complying with the award passed by the Lok Adalat as per the provisions contained in the Act.