



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3488]

**TUESDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE R RAGHUNANDAN RAO

&

THE HON'BLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 4080 OF 2023

Between:

Botta Eswara Rao and 6 Others

...PETITIONERS

AND

The District Legal Services Authority, Visakhapatnam.

...RESPONDENTS

Counsel for the Petitioners: Sri K.L.N.Swamy

**Counsel for the Respondents: 1. Ld. Government Pleader
for Legal Services Authority
2. Sri S. Lakshminarayana Reddy**

The Court made the following order:

1. The 7th petitioner herein had filed O.S. No.346 of 2017 on the file of the VI Additional Senior Civil Judge, Visakhapatnam, against the petitioners 1 to 6 for partition of suit schedule property into seven equal shares and one share being allotted to her.

2. After some time, all the petitioners herein thought it fit to arrive at a compromise and settle the disputes between them. The petitioners had thereupon arrived at an understanding as to how the suit schedule property was to be allocated and allotted. Thereupon, the petitioners reduced that understanding to writing as “terms of compromise” and presented the same before the Chairman of the District Legal Services Authority at Visakhapatnam.
3. The said terms of the compromise were placed before the Lok Adalath Bench and made into an Award of the Lok Adalath under Section 19 of the Legal Services Authorities Act, 1987. One of the terms of the agreement, which was subsequently made into an award, was that both the parties to the award would deposit sufficient non-judicial stamps of each shareholder before the Court for the purpose of registering the partition deed before the concerned Sub-Registrar’s office as certain properties which were not part of the suit schedule property had been included in the terms of settlement. This clause also stipulated that non-deposit of necessary stamps would render the award invalid.
4. The petitioners, one of the parties to the said terms of settlement, had approached this Court by way of writ petition in W.P. No.4080 of 2023, contending that no

time frame had been fixed in the terms of the settlement, but the presiding officer/ Chairman of the Lok Adalat had written in hand that “within one month from the date of this award”. The grievance of the petitioners is that they were unaware of the said correction in the award and that the Sub-Registrar’s office was refusing to register the award as the time frame of one month from the date of the award, which had been passed on 31.12.2022, had elapsed by the time of the petitioners approached the Sub-Registrar’s Office.

5. A perusal of the award shows that on the front page, the award was placed before the Lok Adalat on 31.12.2022. However, the last page states the seal of the Lok Adalat was affixed on the award as 31.09.2022.
6. In view of these discrepancies and in view of the submissions of the petitioners that they were unaware of the addition of the aforesaid time limit, it would be appropriate to accept the said contention of the petitioners to this extent and hold that the time frame set out in the award should be disregarded.
7. Accordingly, this writ petition is disposed of directing the VI Additional Senior Civil Judge, Visakhapatnam, to accept the non-judicial stamp papers being filed by each of the petitioners in relation to their respective

shares and to forward the said non-judicial stamp papers along with a copy of the award concerned to the Sub-Registrar's office for registration. Such a deposit is expected to be done within two months from today. No costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

R RAGHUNANDAN RAO, J

HARINATH.N, J

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