HC-KAR

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 16TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 115141 OF 2019 (GM-CPC)

BETWEEN:

1. SHRI VITTAL RAMU SHINDHE,
SINCE DECEASED BY HIS L.RS.

1A. SMT. SEVANTA W/O. VITHAL SHINDE,
AGE 55 YEARS, OCC: HOUSEHOLD WORK,
R/O. ARALIHATTI, TQ. ATHANI,
NOW AT MIDC ALANKAR COLONY,
MIRAJ-416410, DIST. SANGLI (MAHARASTRA).

1B. SHRI PRAKASH S/O. VITHAL SHINDE,
AGE 36 YEARS, OCC: AGRICULTURE,
R/O. ARALIHATTI, TQ. ATHANI,
NOW AT MIDC ALANKAR COLONY,
MIRAJ-416410, DIST. SANGLI (MAHARASTRA).

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Location: High Court of Karnataka, Dharwad Bench
Date: 2026.06.17 11:15:00 +0530

1C. SHRI PRAVEEN S/O. VITHAL SHINDE,
AGE 24 YEARS, OCC: AGRICULTURE,
R/O. ARALIHATTI, TQ. ATHANI,
NOW AT MIDC ALANKAR COLONY,
MIRAJ-416410, DIST. SANGLI (MAHARASTRA).

... PETITIONERS

(BY SRI. G. B. NAIK, ADVOCATE)

AND:

1. SHRI BALU S/O. RAMU SHINDHE,
AGE 46 YEARS, OCC: AGRICULTURE,
R/O. ARALIHATTI, TQ. ATHANI,

DIST. BELAGAVI.

2. SMT. MAYAKKA @ BAYAKKA
W/O. RAMU SHINDHE,
AGE 79 YEARS, OCC: HOUSEHOLD WORK,
R/O. ARALIHATTI, TQ. ATHANI,
DIST. BELAGAVI.

3. SMT. CHANDABAI W/O. NAMADEVA CHAVAN,
AGE 59 YEARS, OCC: HOUSEHOLD WORK,
R/O. JADHAVAWADI, KAVATEMAHAKAL,
TAL: KAVATEMAHAKAL, DIST. KOLHAPUR.

4. SMT. HEERABAI W/O. NAMADEVA JADHAV,
AGE 54 YEARS, OCC: HOUSEHOLD WORK,
R/O. KOGANOLLI, TAL: KAVATEMAHAKAL,
DIST. KOLHAPUR.

5. SMT. MANDABAI W/O. VISHNU KADAM,
AGE 51 YEARS, OCC: HOUSEHOLD WORK,
R/O. HALYAL, TAL. ATHANI
DIST. BELAGAVI

6. SMT. SULA W/O. ASHOK JADHAV,
AGE 49 YEARS, OCC: HOUSEHOLD WORK,
R/O. KHUCHI, TAL: KAVATEMAHAKAL
DIST. KOLHAPUR.

… RESPONDENTS

(BY SRI. SANGRAM S. KULKARNI, ADVOCATE FOR R1;
R3 TO R6 ARE SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI AND SET ASIDE THE ORDER AT ANNEXURE-G DATED 11.09.2019 PASSED ON I.A.NO.I UNDER SEC.151 CPC IN O.S.NO.1259/2009 BY THE I ADDITIONAL CIVIL JUDGE AND JMFC, ATHANI AND I.A.NO.I IN O.S.NO.1259/2009 MAY KINDLY BE DISMISSED.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

1. This Writ Petition is filed questioning the authority of the Court to test the validity of the compromise recorded by the Lok Adalat.

2. These proceedings are initiated by defendant No.6, who is respondent No.1 before this Court. He is represented by counsel. The records also reveal that the unserved respondents are only formal parties to this petition.

3. The compromise decree is challenged only by respondent No.1, and the Court has entertained an application and has now set down the matter for recording evidence.

4. The petitioner's counsel reiterated the grounds and pointed out that the initiation of proceedings by the Court in O.S. No.1259/2009 is one without jurisdiction. She

would point out that the compromise was recorded by the Lok Adalat and, therefore, the validity or otherwise of the compromise recorded by the Lok Adalat cannot be questioned before the Court which had referred the matter for recording the compromise. She would further point out that the challenge to the Lok Adalat award is amenable to judicial review.

5. I do find some substance in the submissions made by the petitioner's counsel. Defendant No.6 could not have approached the Court which had referred the matter to the Lok Adalat. Since the compromise was recorded by the Lok Adalat, the application filed by defendant No.6 / respondent No.1 questioning the compromise on the ground that it is not lawful is not maintainable.

6. Equally, the Court which had referred the matter to enable the parties to record a compromise has no authority to test the validity of the compromise recorded by the Lok Adalat.

7. The order impugned squarely contravenes the law laid down by the Hon'ble Apex Court in the case of ***HEMANT KUMAR V. R. MAHADEVAIAH AND OTHERS*** reported in ***(2022) 8 SCC 140***, wherein the Apex Court has held that the genuineness of a consent decree recorded by the Lok Adalat cannot be agitated before the Court which had referred the matter.

8. For the forgoing reasons, the following:

ORDER

(i) The writ petition is allowed.

(ii) The order dated 11.09.2019 passed on I.A. No.I under Section 151 of the CPC vide Annexure-G is set aside.

(iii) Consequently, the proceedings now pending in O.S. No. 1259/2009 shall stand closed.

(iv) However, this order will not come in the way of defendant No.6 in challenging the

compromise recorded by the Lok Adalat in a manner known to law.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

Vnp / CT: BCK
List No.: 2 Sl No.: 19