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**"C.R."**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE HARISANKAR V. MENON

THURSDAY, THE 26<sup>TH</sup> DAY OF MARCH 2026 / 5TH CHAITHRA, 1948

WP(C) NO. 39720 OF 2023

PETITIONERS:

- 1 PRASANTH P KUMAR,  
AGED 39 YEARS  
PRASANTH BHAVAN, ADOOR P.O, AMMAKANDAKARA MURI,  
PERINGANADU VILLAGE, ADOOR TALUK,  
PATHANAMTHITTA DISTRICT, PIN - 691551
- 2 SHYAMALAKUMARI @ SHYAMLADEVI,  
AGED 65 YEARS  
PRASANTH BHAVAN, ADOOR P.O, AMMAKANDAKARA MURI,  
PERINGANADU VILLAGE, ADOOR TALUK,  
PATHANAMTHITTA DISTRICT, PIN - 691523

BY ADVS.  
SRI.T.M.RAMAN KARTHA  
SMT.MANJU R. KARTHA  
SMT.M.S.SOUJATH  
SMT.SYAMA MOHAN  
SMT.REVATHY M.A.  
SMT.GREESHMA T.G.  
SMT.SNEHA BRIGIT PRINCE

RESPONDENTS:

- 1 STATE OF KERALA  
REP. BY THE SECRETARY, DEPARTMENT OF LAW (H),  
GOVT OF KERALA, GOVT SECRETARIAT,  
THIRUVANANTHAPURAM,, PIN - 695001



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- 2 OFFICE OF THE KERALA STATE LEGAL SERVICES  
AUTHORITY, REP. BY ITS MEMBER SECRETARY,  
NIYAMA SAHAYA BHAVAN, HIGH COURT COMPOUND  
ERNAKULAM, KOCHI, PIN - 682031
  
- 3 ADOOR TALUK LEGAL SERVICES COMMITTEE,  
ADOOR, PATHANAMTHITTA DISTRICT,  
REP. BY ITS EX OFFICIO CHAIRMAN,  
PIN - 691523
  
- 4 RADHAKRISHNA PILLAI  
AGED 53 YEARS, S/O NARAYANA KURUP,  
OORILETHU HOUSE, PERINGANADU POST AND VILLAGE,  
MUNDAPPALLI MURI, ADOOR TALUK,  
PATHANAMTHITTA DISTRICT, PIN - 691523

BY ADVS.  
SMT.SHAMEENA SALAHUDHEEN  
SRI.K.SHAJ  
SRI.ARUN CHAND  
SHRI.BHARAT VIJAY P.  
SHRI.KEVIN JAMES

SMT. SYLAJA S.L.,GP

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 26.03.2026, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:



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## **JUDGMENT**

The petitioners entered into an agreement for sale with the 4<sup>th</sup> respondent herein. The 4<sup>th</sup> respondent paid an advance amount in excess of Rs.90 lakhs. However, for one reason or another, the sale did not take place. The 4<sup>th</sup> respondent sought the return of the advance amount. The petitioners were also ready to refund the advance amount, in terms of the agreement for sale. But since the petitioners did not refund the advance amount, the 4<sup>th</sup> respondent herein instituted an application/complaint at Ext.P2, before the Adoor Taluk Legal Services Authority. The afore application is presented on 18.10.2022. The petitioners were directed to appear – they state, by telephone – and on the basis of the afore direction, the petitioners also admit that they appeared before the 3<sup>rd</sup> respondent on the very next day, on 19.10.2022, along with a lawyer. By Ext.P3 award, the 3<sup>rd</sup> respondent Committee recorded the undertaking given by the petitioners that they were ready and willing to refund the amount of Rs.98,35,000/- on or before 05.04.2023. Post-dated cheques



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issued by the petitioners were also handed over to the 4<sup>th</sup> respondent herein. However, the 4<sup>th</sup> respondent sought to execute Ext.P3 by filing Ext.P4 execution petition. The cheques issued by the petitioners were also not honoured. It is also to be noticed that the execution petition was presented on 10.04.2023. The petitioners also entered appearance and sought to object the execution petition. It is even after all the above, that on 25.11.2023, they instituted the captioned writ petition, seeking to challenge the award at Ext.P3.

2. Heard Sri. T.M. Raman Kartha, the learned counsel for the petitioners, Sri. K. Shaj , the learned counsel for the 4<sup>th</sup> respondent and Smt. Shameena Salahudheen, the learned counsel for respondent Nos.2 and 3.

3. According to the learned counsel for the petitioners, the entire proceedings leading to Ext.P3 could not be sustained for more than one reason. According to him, the award at Ext.P3 is on account of a fraud played on the petitioners. Secondly, it is the submission of the learned counsel for the petitioners that the 3<sup>rd</sup> respondent did not have



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any jurisdiction to issue an award in the nature of Ext.P3 with reference to the mandate under Section 19(5)(ii) of the Legal Services Authorities Act, 1987 (hereinafter referred to as the 'Act').

4. *Per Contra*, Sri. K. Shaj, the learned counsel for the 4<sup>th</sup> respondent, would point out that even going by the averments in the writ petition, the fraud alleged against the entire proceedings have not been proven. He would also seek to rely on the judgment of the Apex Court in **K. Srinivasappa & Ors v. M. Mallamma & Ors [AIR 2022 SC 2381]**, to contend that unless and until the alleged fraud is proven conclusively, an award in the nature of Ext.P3 could not be interfered with, by this Court. Smt. Shameena, the learned counsel for respondent Nos. 2 and 3, would also join the issue, by pointing out that the contentions raised by the learned counsel for the petitioners with reference to Section 19(5)(ii) of the Act is not arising for consideration, in view of the judgment of the Andhra Pradesh High Court at Amaravati in W.P.(C) No.6190 of 2019, produced along with the counter affidavit



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filed by the 2<sup>nd</sup> respondent as Ext.R2(a).

5. I have considered the rival submissions as well as the connected records.

6. As regards the allegation of fraud, this Court notices that the averments to that effect are contained only in paragraph 4 of the writ petition. The averments in the said paragraph are only to the effect that the petitioners were directed over phone to appear before Adalat on the "very next day" and, when they appeared as directed, they were forced into the compromise. But, in my opinion, the afore would not be sufficient to prove any fraud against the appellant. This is especially so, when the petitioners themselves admit that there was no coercion for their appearance and since, as already noticed, they were accompanied by a lawyer. Hence, the allegation as regards fraud, is only to be turned down.

7. As regards the jurisdiction, the learned counsel for the petitioners, Sri. Kartha, would point out that the 3<sup>rd</sup> respondent did not have any jurisdiction, since the petitioners could not have instituted a suit with respect to the



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pecuniary jurisdiction, since the Taluk of Adoor did not have a Sub Court. Though the afore contention appears to be attractive, on a deeper analysis of the provisions of Section 19(5) of the Act, I am of the opinion that insofar as Section 19(5) has not spoken about any "pecuniary jurisdiction" and has only spoken about "territorial jurisdiction" the petitioners are not entitled to succeed. Similarly, the Andhra Pradesh High Court has considered the very same issue. There, the petitioner contented that the litigation was pending before a particular district, on account of which, if at all a complaint could be lodged and considered, that can be only by the District Legal Services Authority. Considering this issue, the High Court, in paragraph 15 of the judgment, has categorically found that the statute does not specify any "pecuniary jurisdiction". On that basis, it was found that the Taluk Legal Services Authority could also entertain a complaint.

8. This Court also notices the judgment of the learned Single Judge of this Court in **Thomas @ Thomas v. Florance [2006 (3) KLT 717]**, wherein more or less the



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same principles have been laid down.

In such circumstances, I am of the opinion that the petitioners are not entitled to succeed. Therefore, I find no merit in this writ petition and the same would stand dismissed.

Sd/-

**HARISANKAR V. MENON**  
**JUDGE**

ays



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APPENDIX OF WP(C) NO. 39720 OF 2023

## PETITIONERS' EXHIBITS:-

- Exhibit P1 TRUE COPY OF SALE AGREEMENT 10.06.2022 ENTERED INTO BETWEEN 1ST PETITIONER AND 4TH RESPONDENT
- Exhibit P2 TRUE COPY OF COMPLAINT FILED BY THE 4TH RESPONDENT BEFORE THE ADOOR TALUK LEGAL SERVICES AUTHORITY DATED 18.10.2022 AS PLP NO. 1719/2022
- Exhibit P3 TRUE COPY OF AWARD DT. 12.11.2022 PASSED BY THE ADOOR TALUK LEGAL SERVICE COMMITTEE
- Exhibit P4 TRUE COPY OF EP NO.15/2023 FILED BY THE 4TH RESPONDENT BEFORE THE SUB COURT PATHANAMTHITTA DATED 10.04.2023
- Exhibit P5 TRUE COPY OF OBJECTION FILED BY THE PETITIONERS IN E.A 152/2023 IN E.P 15/2023 IN PLP NO. 1719/2022 DATED 14.09.2023

## RESPONDENTS' EXHIBITS:-

- Exhibit R2(a) TRUE COPY OF THE JUDGMENT DATED 08.11.2019 OF THE ANDHRA PRADESH HIGH COURT IN WRIT PETITION NO. 6190 OF 2019
- Exhibit R2(b) TRUE COPY OF THE JUDGMENT DATED 14.07.2023 IN W.P. (C) NO. 31892 OF 2013
- Exhibit R2(C) TRUE COPY OF THE JUDGMENT DATED 07.11.2023 IN W.A.NO. 547 OF 2023
- Exhibit R4A THE TRUE COPY OF AGREEMENT DATED 02/12/2021 ENTERED INTO BY THE PETITIONERS AND THE 4TH RESPONDENT.
- Exhibit R4B THE TRUE COPY OF AGREEMENT DATED 17/03/2022 ENTERED INTO BY THE PETITIONERS AND THE 4TH RESPONDENT.
- Exhibit R4C THE TRUE COPY OF AGREEMENT DATED 10/06/2022 ENTERED IN TO BY THE PETITIONERS AND THE 4TH RESPONDENT.



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- Exhibit R4D THE TRUE COPY OF THE VAKKALATH FILED BY THE PETITIONERS IN PLP 1719/2022 BEFORE THE LOK ADALAT OF THE TALUK LEGAL SERVICE COMMITTEE.
- Exhibit R4E THE TRUE COPY OF THE STATUTORY NOTICE DATED 26/04/2023 FOR CHEQUE NO. 039623 ISSUED BY THE ADVOCATE OF THE 4TH RESPONDENT TO THE PETITIONER
- Exhibit R4E(a) THE TRUE COPY OF THE STATUTORY NOTICE DATED 26/04/2023 FOR CHEQUE NO. 039620 ISSUED BY THE ADVOCATE OF THE 4TH RESPONDENT TO THE PETITIONER
- Exhibit R4E(b) THE TRUE COPY OF THE STATUTORY NOTICE DATED 26/04/2023 FOR CHEQUE NO. 039622 ISSUED BY THE ADVOCATE OF THE 4TH RESPONDENT TO THE PETITIONER
- Exhibit R4F THE TRUE COPY OF THE SALE NOTICE NO.KTMB.JMT/SEPF/1937/2022 DATED 21/02/2023 PUBLISHED IN THE HINDU NEWSPAPER.
- Exhibit R4G THE TRUE COPY OF THE SALE NOTICE NO. KTMB.JMT/SEPF/1937/2022 DATED 21/02/2023 PUBLISHED IN THE MATHURBHUMI NEWSPAPER.
- Exhibit R4H THE TRUE COPY OF THE ORDER DATED 30/04/2022 IN M.C. NO. 118/2022 PASSED BY THE CHIEF JUDICIAL MAGISTRATE, PATHANAMTHITTA.
- Exhibit R4I THE MAHAZAR AND REPORT DATED 01/07/2022 IN M.C. NO. 118/2022 PASSED BY THE CHIEF JUDICIAL MAGISTRATE, PATHANAMTHITTA.
- Exhibit R4J THE TRUE COPY OF NOTICE NO. KTMLCRD/SEPF-1937/2325/2021 DATED 31/08/2021 UNDER SECTION 13(2) NOTICE UNDER SARFAESI ACT SENT BY FEDERAL BANK, KOTTAYAM TO THE PETITIONERS.
- Exhibit R4K THE TRUE COPY OF E.A. NO. 152/2023 IN E.P. NO. 15/2023 BEFORE THE SUB COURT, PATHANAMTHITTA.