

IN THE COURT OF MUNSIFF, WADAKANCHERY

Present:- Sri. Yahya. T. K., Munsiff

Monday, the 9th day of February, 2026/ 20th Magham 1947 SE

E.P. 25/2025 IN AWARD No. 39/2024

Petitioner:

Shameer. K. K., aged 38 years, S/o Kabeer, Kurungattuthodi Veed,
Kizhakkumuri Desam, Elanad, Talappilly Taluk.

By Adv. K. Sajith Kumar.

Respondent:

Shakeer, aged 38 years, S/o Khader, Kurungattuthodi Veed,
Kizhakkumuri Desam, Elanad, Talappilly Taluk.

By Adv. E. K. Mahesh.

This petition is coming on this day for hearing, the Court passed the following:

ORDER

This is a finding on the executability of the award passed by the Lok Adalat, in this case. The execution petition is for enforcing terms of the Award.

2. **Brief facts** :- Lok Adalat conducted by Taluk Legal Services Committee, Talapilly 02.10.2024 passed an Award based on a pre-litigation petition (PLP.2250/2024) directing both parties therein to construct a retaining wall in the boundary by engaging an expert as per Kerala Panchayat Building Rules, 2019, within three months from the date of Award. It is also noted therein that petitioner is ready to bear 30% of the total costs and the

remaining expense will be met by the respondent. The time period granted in the Award is already over. The petitioner who is the holder of Award-Decree has now come up with this petition to enforce the above terms.

3. The respondent appeared and filed counter statement. A preliminary objection has been raised assailing executability of the Award stating that the Award is bad for non-joinder of necessary parties and also remain the allegations which led to the filing of pre-litigation petition.

4. Heard both sides.

5. The objection regarding non-joinder of necessary party raised by the respondent is that his wife is also a co-owner of his property. I am unable to accept that contention. Terms of the Award can be executed by ensuring personal obedience of the respondent. Hence it cannot be said that the proceedings are bad for non-joinder of necessary parties. Even if the respondent got such a case, this court cannot adjudicate such an issue because the only forum where such issues can be raised against an Award is Hon'ble High Court. Law in this regard is well settled by the decision of Hon'ble Supreme Court in **Dilip Mehta v. Rakesh Gupta 2025 SCC online 2737**. Hence that contention is rejected.

6. The other contentions raised in the counter statement are related to merits of the dispute. The executing court cannot go behind the decree. Hence further discussion regarding those contentions is unwarranted.

In the result,

The Award-Decree is found executable.

(Dictated to Confidential Assistant, transcribed by her, corrected and pronounced by me in the open court on this the 9th day of February. 2026)

YAHYA. T. K.
MUNSIFF

Appendix:Nil

MUNSIFF