

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.W.P.No.12643 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
1.	01.05.2026	<u>CMR,J & GTK,J</u> <u>W.P.No.12643 of 2026</u> <i>Rule Nisi. Call for records.</i> <i>Notice returnable in four weeks.</i> Mr. S. Lakshminarayana Reddy, learned Standing Counsel for Andhra Pradesh State Legal Services Authority takes notice for respondent No.1 and requests time to seek instructions. Issue notice to respondent Nos.2 to 6, returnable by 19.06.2026. List the matter on 19.06.2026. <u>I.A.No.1 of 2026</u> The suit is filed for partition. Thereafter, it was referred to Lok Adalat for settlement. The Lok Adalat has passed the impugned award in the said suit for partition. The validity of the said award is now questioned by the petitioner on the ground that the subject property belongs to a female, who died intestate and as per Section 15 of the Hindu Succession Act, the property devolves on all her legal heirs as contemplated under Section 15 of the Act and her son by name K.Sairam, who is the petitioner herein and her husband by name K.Siddama Naidu are also the legal heirs as contemplated under Section 15 of the Act and they	

		are also entitled to a share in the said property and without impleading the said two persons, who are the co-sharers that the suit was filed behind their back and the award was obtained without impleading them as parties, by playing fraud. Therefore, the validity of the award is questioned on the aforesaid fraud alleged to have been played by the plaintiff and the defendants in the suit. It is settled law that all the sharers in the property are necessary parties in a suit for partition and failure to add any necessary party, who is entitled to a share in the said property, is fatal to the suit for partition. Therefore, the petitioner could make out a <i>prima facie</i> case to examine the aforesaid aspects in this writ petition. A suit, challenging the validity of the award is clearly barred under the Andhra Pradesh Legal Services Authority Act and it is settled law that only a writ petition is maintainable even on the ground of fraud, to challenge the validity of the award. Therefore, in the said facts and circumstances of the case, there shall be interim stay of execution of the award dated 29.06.2024 passed in Lok Adalat No.289 of 2024 in O.S.No.92 of 2023 on the file of the V Additional District Judge, Tirupati, till the next date of hearing. _____ CMR,J _____ GTK,J MDP	
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