

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

CIVIL REVISION PETITION No.1439 OF 2025

% Dated 19.02.2026

Vaduguri Venkata Upendra Rao
s/o late Venkateswarlu, aged 73 years,
r/o near Police Quarters, R.O.B Side Road,
Perala Village, Chirala Mandal
Bapatla District Petitioner

Versus

Vaduguri dhanalakshmi @ Bokkasam Dhanalakshmi
w/o v.v. Upendra Rao
r/o Vetapalem Village, Chirala Mandal
presently r/o Yandrapati Venkateswarlu,
Sai Maharaju Apartments, Housing Board Colony,
Near KMS School, Ongole, Prakasam District
.... Respondent

JUDGMENT PRONOUNCED ON: 19.02.2026

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

Whether Reporters of Local newspapers
may be allowed to see the Judgments?

Whether the copies of judgment may be marked to
Law Reporters/Journals

Whether Their Ladyship/Lordship wish to see the fair
copy of the Judgment?

+ HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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Counsel for the petitioner	:	Mr. Nalluri Madhava Rao
Counsel for Respondent	:	-

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? Cases referred

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**CIVIL REVISION PETITION No.1439 OF 2025****ORDER:**

1. This civil revision petition under Article 227 of the Constitution of India is filed challenging the order passed by the Senior Civil Judge, Chirala in I.A.No.1192 of 2023 in H.M.O.P No.120 of 2022 dated 07.04.2025.

2. The brief facts of the case are that, I.A.No.1192 of 2025 was filed before the Court below under Section 23 of the Hindu Marriage Act and Order VII Rule 11 C.P.C, praying for rejection of H.M.O.P No.120 of 2022 as not maintainable, in view of the operation of principle of res judicata.

3. The contention of the learned counsel for the petitioner/husband is that, earlier, he got filed O.P.No.43 of 2004 for dissolution of marriage on the ground of cruelty and desertion. Prior to that, the respondent got registered a report against the petitioner and his mother before the III Town Police Station, Tenali. Subsequently, C.C.No.462 of 2004 and HMOP No.43 of 2004 were ended in compromise with the presence of elders and finally by way of settlement before the Lok Adalat, Tenali. The respondent also agreed and received an amount of Rs.1,40,000/- by way of cheque

towards full and final settlement in lieu of maintenance of the respondent. Once the marriage between the petitioner and respondent was dissolved on 31.12.2005 by way of "Decree of divorce" through Lok Adalat Award, thereafter there was no relationship of wife and husband in existence between both parties herein. The respondent also claimed the family pension from the Railway Authorities as a divorcee daughter and also as a legal heir of her deceased father, who worked in Railway Department, based on the Lok Adalat Award, as such, this O.P is not maintainable and same is liable to be rejected under Principle of Doctrine of Res Judicata.

4. Before the Trial Court, learned counsel for the respondent/wife contended that the earlier decree of divorce granted in H.M.O.P.No.43 of 2004 dated 31.12.2005 is passed by Lok Adalat Court. Based on the said decree, respondent made a representation dated 23.04.2022 to the South Central Railway, Vijayawada for sanction of secondary family pension on the status of divorcee daughter. The Railway Authorities took objection that the award of Lok Adalat or Decree is not valid and advised to obtain decree of divorce from the jurisdiction of Family Court of Civil Courts, since Lok Adalat Decree is not valid.

5. Upon considering submissions of both the counsel, the Trial Court dismissed I.A.No.1192 of 2023 on 07.04.2025 on the ground that the marriage of the petitioner and respondent was dissolved by way of decree of divorce by way of Lok Adalat Award in H.M.O.P.No.43 of 2004, however, since the new cause of action arose, particularly when the respondent applied for family pension on the status of divorcee woman the representation made by her on 27.04.2022, and the Railway Authorities took objection that the Lok Adalat Award is not valid and the respondent/wife has to obtain decree of divorce from Family Court or Civil Court. Further, it was also observed that the said Award was linked up with a criminal case, thereby, such Award is not valid in the eye of law and finally dismissed the I.A., as it is devoid of merits. Aggrieved by the order passed in I.A.No.1192 of 2023 in H.M.O.P No.120 of 2022 dated 07.04.2025, the present civil revision petition is filed.

6. During hearing, Sri Madhava Rao Nalluri, learned counsel for the petitioner, submitted that the Court below erroneously relied upon the rejection order passed by the railway authorities, wherein it was held that the award passed by the Lok Adalat in H.M.O.P. No.43 of 2004 was not valid, and further directed the petitioner to obtain a decree of divorce from the Family Court or the competent civil court for the purpose of entitlement to pension as a divorcee daughter of

her father. Such an approach clearly demonstrates that the Court below merely adopted the opinion of the railway authorities, instead of independently applying its judicial mind in accordance with law. In fact, the petitioner/husband had filed H.M.O.P. No.43 of 2004 against the respondent seeking dissolution of marriage by way of a decree on the file of the Senior Civil Judge's Court, Chirala.

7. Learned counsel for the petitioner further contended that the respondent herein had filed C.C. No.462 of 2004 on the file of the I Additional Munsif Court, Tenali, against the petitioner and his relatives. Subsequently, upon the intervention of elders and after due deliberations, the parties arrived at a compromise, whereby they agreed to withdraw and close the said calendar case and to obtain a decree of divorce for dissolution of their marriage. In pursuance of the said settlement, the petitioner agreed to pay a sum of Rs.1,40,000/- towards full and final settlement in favour of the respondent. In view of the said settlement, the Senior Civil Judge Court, Chirala, referred the matter to the Lok Adalat, Chirala. Thereafter, the Lok Adalat, by recording the terms of compromise, passed an award on 31.12.2005.

8. Learned counsel for the petitioner further contended that the Court below erred in holding that the award passed by the Lok Adalat was invalid on the ground that it was not accepted by the railway

authorities and then the respondent was not treated as a divorcee daughter for the purpose of receiving family pension. The Court below also proceeded on the erroneous assumption that the Lok Adalat award was invalid since it was linked to a criminal case. Such findings are legally unsustainable and borrowed to substantiate the claim of railway authorities. Consequently, the conclusion that the petitioner is entitled to file the H.M.O.P., on the ground that it was not barred by the principles of *res judicata*, is wholly incorrect. Therefore, the order passed by the Court below in I.A. No.1192 of 2023 is liable to be set aside.

9. None appears for the respondent even after receipt of notice.

10. Heard learned counsel for the petitioner and perused the material available on record, more particularly, the order passed by the Court below.

11. The fact remains that the petitioner herein filed H.M.O.P.No.43 of 2004 on the file of the Senior Civil Judge, Chirala seeking dissolution of marriage between the petitioner and the respondent. It is also a fact that the respondent herein instituted C.C.No.462 of 2004 on the file of the on the file of the I Additional Munsif Court, Tenali, against the petitioner and his relatives, whereas, the Record

disclosed that the father of the respondent herein worked with the Railway Department and died in the year 2002. As per its pension Rules, a divorcee daughter is also entitled for family pension.

12. Pending H.M.O.P. and criminal case, both parties to proceedings got compromised and the petitioner herein had agreed to pay Rs.1,40,000/- towards full and final settlement in lieu of maintenance. After such compromise, the matter was referred to the Lok Adalat. After such reference, on 31.12.2005, the Lok Adalat passed an award by recording the terms of compromise as under:

“5. There won’t be any relation or interaction of any type between the parties from the date of passing the award.

6. The petitioner shall not withdraw the DD.No.167758 dt.26.5.05 filed along with Compromise Memo, if the C.C.No.435/2004 on the file of A.M.M. Court, Tenali is not settled the petitioner is entitled to withdraw the D.D.No.167758 dt.26.5.05.”

13. On perusal of the award passed by the Lok Adalat, since both the parties had agreed to have decree of dissolution of marriage, accordingly, award had been passed and marriage between the petitioner and the respondent was dissolved by granting decree of divorce on 30.12.2005.

14. As contended by the learned counsel for the petitioner, the petitioner paid a sum of Rs.1,40,000/- towards full and final settlement of maintenance, and C.C. No.462 of 2004 was also closed after the Lok Adalat award was filed before the 1st Additional Munsif Magistrate Court, Tenali. Thereafter, both parties acted upon as per the terms of Award. Significantly, it is not the contention of the respondent, either in the counter-affidavit filed before the Court below or in the H.M.O.P No.43 of 2004. on the file of the Senior Civil Judge's Court, Chirala, that the amount agreed upon under the compromise was not received or that the criminal case was not closed. Further, the petitioner submitted an application before the railway authorities seeking grant of pension as a divorcee daughter, confirming the Award. Thus, both the petitioner and the respondent have acted strictly in accordance with the terms of the Lok Adalat award. However, the Court below erroneously concluded that the Lok Adalat award dated 31.12.2005 was invalid on the ground that it was linked with the criminal case, and consequently dismissed I.A. No.1192 of 2023 in H.M.O.P. No.120 of 2022 dated 07.04.2025 by ignoring the principle of *res judicata*. Such a finding is legally unsustainable and contrary to the said settled principle of law, inasmuch as a Lok Adalat award, once passed on the basis of a compromise, has the force of a decree and is fully enforceable

between the parties. Therefore, the finding of the Court below is contrary to law and well settled principles, therefore, liable to be set aside.

15. The other finding of the Court below, that since the railway authorities did not accept the Lok Adalat award, as such the alleged decree of divorce could not be considered on the ground that it was not passed by a competent jurisdictional court or the Family Court, and thereby concurring with the opinion and stand taken by the railway authorities, is wholly without application of mind and contrary to settled principles of law. In fact, the jurisdiction of the Lok Adalat to pass awards in H.M.O.P. proceedings on the basis of compromise was curtailed only pursuant to the amendment to the Lok Adalat Regulations in the year 2009. In the present case, the Lok Adalat award was passed as early as in the year 2005. Therefore, the said amendment cannot be made applicable retrospectively to invalidate an award validly passed prior thereto. Consequently, the findings of both the Court below and the rejection proceedings of the railway authorities are liable to be set aside.

16. Further, as contended by the respondent before the Court below, the objection raised by the railway authorities, stating that the award passed by the Lok Adalat was not valid and advising the

petitioner to obtain a decree of divorce from the Family Court or a competent civil court while considering her representation for grant of pension under the category of divorcee daughter, is contrary to law. Prior to the amendment to the Legal Services Authorities Act, awards passed by the Lok Adalat, even in respect of divorce O.Ps, are valid, binding, and enforceable not only between the parties but also against all concerned authorities, including the railway authorities. Therefore, the rejection of the petitioner's claim for pension under divorcee daughter category by holding that the Lok Adalat award dated 31.12.2005 is not valid and without jurisdiction is legally untenable and unsustainable. Consequently, the finding of the Court below, which held the said award is invalid solely on the basis of the endorsement of the railway authorities, is also contrary to law and is liable to be set aside. The order passed by the Court below in I.A. No.1192 of 2023 in H.M.O.P. No.120 of 2022 dated 07.04.2025 is hereby set aside. As long as an award had already been passed earlier, there cannot be another O.P. seeking for the very same relief, as the principle of *res judicata* squarely applies. Consequently, the subsequent O.P. is not maintainable in law.

17. In the result, the civil revision petition is allowed with the following directions:

- a. The order passed by the Senior Civil Judge, Chirala in I.A. No.1192 of 2023 in H.M.O.P. No.120 of 2022 dated 07.04.2025 is hereby set-aside.
- b. The observation of the railway authorities that the award passed by the Lok Adalat is not valid and is contrary to law is certainly based on a clear misconception of the legal position. Consequently, the rejection of the respondent's claim by railway authority for pension is also illegal and unsustainable. Hence, the respondent is at liberty to proceed further in accordance with the Lok Adalat award dated 31.12.2005 as if it is a decree of divorce for grant of pension under the category of divorcee daughter, if she is otherwise eligible.
18. Consequently, miscellaneous applications pending if any, shall stand closed. No costs.

JUSTICE VENKATESWARLU NIMMAGADDA

Dated: 19.02.2026

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