

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. _____ OF 2026
(@SPECIAL LEAVE PETITION (CIVIL) NO. 15497 OF 2023)**

**T.K. DHARANESH (SINCE DECEASED)
THROUGH HIS LEGAL HEIRS & ANR. ...APPELLANT(S)**

VERSUS

H.D. BHAGYA & ANR. ...RESPONDENT(S)

O R D E R

1. Leave granted.
2. The present appeal arises from the judgment and final order dated 23.02.2023 passed by the High Court of Karnataka at Bengaluru (hereinafter referred to as the “High Court”) in Miscellaneous First Appeal No. 8567 of 2015 (hereinafter referred to as the “MFA”), whereby the High Court allowed the appeal preferred by respondent no. 1 and set aside the judgment and decree dated 30.10.2015 passed by the Principal District Judge, Family Court at Hassan (hereinafter referred to as the “Family Court”) in M.C. No. 230 of 2013. By the judgment and decree dated 30.10.2015, the Family Court had allowed the petition filed by late T.K.

Dharanesh under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the “1955 Act”) and had dissolved the marriage between late T.K. Dharanesh and respondent no. 1.

3. The facts giving rise to the present appeal are as follows:

3.1. The marriage between late T.K. Dharanesh and respondent no. 1 was solemnized on 06.06.1993. Thereafter, disputes arose between the parties and they started living separately. Respondent no. 2 claims to be the son born from the wedlock of late T.K. Dharanesh and respondent no. 1. The said claim has been disputed by late T.K. Dharanesh and the said dispute appears to have also formed part of other proceedings between the parties.

3.2. Late T.K. Dharanesh instituted M.C. No. 230 of 2013 before the Family Court seeking dissolution of marriage under Section 13 of the 1955 Act. By judgment and decree dated 30.10.2015, the Family Court allowed the petition and dissolved the marriage between late T.K. Dharanesh and respondent no. 1. The Family Court also directed payment of Rs. 5 lakhs towards permanent alimony to respondent no. 1.

- 3.3. Aggrieved by the judgment and decree dated 30.10.2015, respondent no. 1 preferred MFA No. 8567 of 2015 before the High Court. During the pendency of the MFA, proceedings in Crl. Misc. No. 38 of 2014, which had been instituted by respondent no. 1 for maintenance, were referred to the Lok Adalat.
- 3.4. On 22.12.2015, late T.K. Dharanesh and respondent no. 1 filed a joint memo before the Lok Adalat. On the basis of the said joint memo, an award was passed by the Lok Adalat on the same date. The compromise recorded payment of Rs. 10 lakhs by late T.K. Dharanesh to respondent no. 1 towards full and final settlement and permanent alimony. The compromise also recorded that respondent no. 1 would withdraw the pending cases filed by her, including MFA No. 8567 of 2015.
- 3.5. Respondent no. 1 thereafter disputed the compromise and sought reopening of the Lok Adalat award. By order dated 22.08.2016, the learned II Additional Civil Judge and JMFC, Hassan held that the court had no jurisdiction to recall or set aside the compromise recorded before the Lok Adalat. Respondent no. 1 thereafter

challenged the Lok Adalat award before the High Court in writ proceedings.

- 3.6. Late T.K. Dharanesh died on 20.02.2018. Thereafter, respondent no. 1 moved an application in the pending MFA for bringing respondent no. 2 on record as the legal representative of late T.K. Dharanesh. The High Court allowed the said application and proceeded to decide the MFA. By judgment dated 16.04.2021, the High Court allowed MFA No. 8567 of 2015 and set aside the judgment and decree dated 30.10.2015 passed by the Family Court.
- 3.7. The present appellants, claiming to be the legal representatives of late T.K. Dharanesh on the basis of a Will dated 16.03.2016, filed Review Petition No. 320 of 2021 before the High Court. By order dated 22.08.2022, the High Court allowed the review petition, recalled the judgment dated 16.04.2021 and restored MFA No. 8567 of 2015 to its file.
- 3.8. Upon restoration, the MFA was again heard by the High Court. By the impugned judgment and final order dated 23.02.2023, the High Court allowed MFA No. 8567 of 2015 and set aside the judgment and decree dated 30.10.2015 passed by the Family

Court. The High Court held that the decree of divorce granted by the Family Court could not be sustained.

3.9. During the pendency of the present proceedings before this Court, the respondents have submitted before us that respondent no. 1 has challenged the Lok Adalat award and that the said challenge has not attained finality. It is stated that W.P. No. 13377 of 2017 was dismissed on 28.07.2025 and that W.A. No. 1726 of 2025 is pending adjudication before the Division Bench of the High Court.

4. We have heard learned counsel for the parties and we have perused the material on record.
5. The issue which arises for consideration before us is whether the High Court was justified in deciding MFA No. 8567 of 2015 on merits when the award of the Lok Adalat dated 22.12.2015, which recorded the compromise between late T.K. Dharanesh and respondent no. 1 and contemplated withdrawal of the said MFA, had not been set aside in proceedings known to law. We must clarify however that the present issue is narrow and does not require this Court to examine the correctness of the decree of divorce on merits or to adjudicate upon the disputes relating to paternity,

succession, the Will dated 16.03.2016, or the allegations made by either side in the matrimonial proceedings.

6. At the outset, it is necessary to explicate the legal character of the award of the Lok Adalat dated 22.12.2015. Section 21 of the Legal Services Authorities Act, 1987 (hereinafter referred to as the “1987 Act”) gives a statutory status to an award of the Lok Adalat. Such an award is deemed to be a decree of a civil court. It is final and binding on all parties to the dispute. No appeal lies against such an award. This Court in ***State of Punjab v. Jalour Singh, (2008) 2 SCC 660***, has held that where an award is made by a Lok Adalat in terms of a settlement between the parties, it becomes final and binding and can be challenged only in proceedings under Articles 226 or 227 of the Constitution of India on limited grounds. The consequence is that a party who seeks to avoid the effect of a Lok Adalat award must have it set aside in proceedings permissible in law. Until that happens, the award cannot be treated as non-existent or ignored in collateral proceedings.
7. The award dated 22.12.2015 was not an unrelated proceeding. It arose out of the disputes between late T.K. Dharanesh and respondent no. 1 and recorded a

settlement between them. The settlement provided for payment of Rs. 10 lakhs to respondent no. 1 towards full and final settlement and permanent alimony. It also recorded that respondent no. 1 would withdraw the pending cases filed by her, including MFA No. 8567 of 2015. Thus, the award had a direct bearing on the very continuance of the MFA before the High Court.

8. Respondent no. 1 may be entitled to contend, in appropriate proceedings, that the award was vitiated by want of consent, fraud, misrepresentation or any other ground available in law. However, the forum hearing MFA No. 8567 of 2015 could not proceed on the assumption that the award had ceased to bind the parties. The validity of the award had to be tested in the proceedings instituted for that purpose. Unless and until the award was set aside, its terms continued to operate between the parties.
9. The stand of the respondents before this Court also supports this position. The respondents do not assert that the award dated 22.12.2015 has already been set aside. Their stand is that respondent no. 1 has challenged the award and that the challenge has not attained finality. A pending challenge is not the same as annulment of the award. The legal effect of a decree or a

deemed decree does not disappear merely because one party has questioned it. It continues to hold the field unless it is stayed, modified or set aside by a competent court.

10. In this backdrop, in our considered opinion, the High Court ought not to have decided MFA No. 8567 of 2015 on merits in disregard of the subsisting award dated 22.12.2015. The appeal before the High Court was one of the proceedings which respondent no. 1 had agreed to withdraw under the compromise. Therefore, the High Court was required to first consider the effect of the Lok Adalat award on the maintainability and continuance of the MFA. By proceeding to adjudicate the appeal on merits, the High Court in substance permitted the MFA to continue despite a subsisting award which recorded its withdrawal.
11. The difficulty with the impugned judgment is, therefore, not merely procedural. It goes to the root of the jurisdictional propriety of deciding the MFA at that stage. A court cannot indirectly neutralise a Lok Adalat award in a proceeding where the award itself is not under challenge and where the question is not whether the award should be set aside. To permit such a course

would defeat the statutory finality attached to Lok Adalat awards under Section 21 of the 1987 Act.

12. We are, therefore, of the view that the impugned judgment cannot be sustained. This conclusion is confined to the effect of the subsisting Lok Adalat award on the continuance of MFA No. 8567 of 2015. We have not examined the correctness of the decree of divorce granted by the Family Court. We have also not adjudicated upon the allegations relating to cruelty, desertion, paternity, succession, or the Will dated 16.03.2016. All such issues are left open to be considered, if the occasion arises, in appropriate proceedings and in accordance with law.
13. For the reasons recorded above, the appeal is allowed.
14. The judgment and final order dated 23.02.2023 passed by the High Court in MFA No. 8567 of 2015 is set aside.
15. It is directed that MFA No. 8567 of 2015 shall not be proceeded with so long as the award of the Lok Adalat dated 22.12.2015 subsists.
16. However, in the event the award of the Lok Adalat dated 22.12.2015 is set aside in proceedings known to law, it shall be open to respondent no. 1 to seek revival of MFA No. 8567 of 2015 before the High Court. If such a

request is made, the High Court shall consider the same and proceed in accordance with law.

17. Pending application(s), if any, shall stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

NEW DELHI
APRIL 16, 2026

ITEM NO.20

COURT NO.2

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).
15497/2023

[Arising out of impugned final judgment and order dated
23-02-2023 in MFA No. 8567/2015 passed by the High Court of
Karnataka at Bengaluru]

T.K. DHARANESH (SINCE DECEASED) THROUGH
HIS LEGAL HEIRS & ANR.

Petitioner(s)

VERSUS

H.D. BHAGYA & ANR.
FOR ADMISSION

Respondent(s)

Date : 16-04-2026 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) : Mr. V. N. Raghupathy, AOR
Ms. Mythili S, Adv.

For Respondent(s) : Mr. Rajesh Mahale, Sr. Adv.
Mr. Parikshith Maliye, Adv.
Mr. Shreyas Mahale, Adv.
Ms. Panchami Mahale, Adv.
Mr. Anirudh Gupta, Adv.
Ms. Anuradha Bhat, Adv.
Mr. Harisha S.r., AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed
order.

Pending application(s), if any, shall stand
disposed of.

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR

(Signed order is placed on the file)