

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.131 of 2015**

Branch Manager, National Insurance Co. Ltd., Main Head Post Office
Jagdalpur, District Bastar (CG)

---- **Petitioner****Versus**

1. Upendra Kumar Narwas, S/o. Thanuram Narwas, Aged years, R/o. Badamkot Village Farasgaon, District Kondagaon (CG)
2. Public Utility Permanent Lok Adalat, Bastar Jagdalpur (CG)

---- **Respondents**

Shri Raj Awasty, counsel for the petitioner.
Shri Ratan Pandey, counsel for respondent No.1.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order****03.11.2015**

Heard.

2. It is submitted on behalf of the petitioner that as the question of law is involved in the petition, the matter be heard finally and disposed of accordingly.

3. With the consent of both the parties, heard finally.

4. By this petition under Article 227 of the Constitution of India, the petitioner has challenged the legality and propriety of award dated 17.12.14 passed by Public Utility Permanent Lok Adalat, Bastar at Jagdalpur in Case No.38/13 whereby and whereunder the learned court below allowed the application filed by respondent No.1 under Section 22(1) of the Legal Services Authority Act, 1987 (for short 'the Act') for compensation and directed the petitioner/non-applicant to pay Rs.1,95,000/- along with interest and cost of the litigation to the applicant.

5. Facts in brief are as required for the disposal of the instant WP (227) are that respondent/applicant was the owner of the insured Bolero

TX CG 19T 0458 and the same met with an accident on 15.4.2012. The respondent/applicant filed an application before the court below with a prayer that non-applicant be directed to pay the amount incurred in the repair of the vehicle which was met with an accident. Though there was no compromise or settlement between the parties, the court below disposed of the matter by allowing the application and ordered that the applicant is entitled for Rs.1,95,000/- along with interest and cost of the litigation. Against the said order, the petitioner has filed the instant petition and prayed that award passed by the court below is beyond jurisdiction and illegal, hence, it requires interference and the same may be dismissed as the court below has no jurisdiction to entertain the matter and dispose of the same on its merits because no any compromise or settlement was arrived between the parties.

6. Learned counsel for the petitioner duly supported the ground taken in the petition and placed reliance on **2012 (2) CGLJ 142 Bajaj Alliance General Insurance Co. Ltd. Vs. Dasru Patel & Others**, wherein the Single Bench of held that “ Lok Adalat has no jurisdiction to entertain the motor accident claim and the permanent Lok Adalat has jurisdiction to entertain, conciliate claim only against a public utility service and Permanent Lok Adalat constituted u/s. 22-B of the Legal Services Authorities Act, 1987 has no jurisdiction to entertain and adjudicate the motor accident compensation claim under the Motor Vehicles Act, 1988 and it cannot entertain and adjudicate any claim against a private party”. Learned counsel for the petitioner submits that as the Court below acted and passed the award beyond its jurisdiction, the same may be dismissed.

7. On behalf of the respondent No.1, no argument has been advanced on the above point, however he submits that he be given liberty to file

appropriate claim before the Motor Accidents Claims Tribunal available under the law.

8. For the purpose of appreciating the prayer made in the petition, the entire petition, award of the court below and arguments advanced in this behalf are perused and also the cited case law.

9. As per the provisions of Section 20(6) of the Act, 1987, if no any compromise or settlement could be arrived between the parties, then the Lok Adalats are required to advise the parties to seek remedy in the court. In the present matter it is apparent from para 3 of the award that attempt for compromise between the parties were made, but as there is no compromise between the parties, the matter was disposed of on its merits. Under the law, the court below has no jurisdiction to dispose of the matter also as per the case law cited the court below was barred by jurisdiction to entertain the matter.

10. On due consideration, as the award passed by the court below is beyond jurisdiction, the same requires interference. Also the case law cited is applicable in the matter.

11. Consequently, the instant petition is allowed. The impugned award dated 17.12.14 passed by the Public Utility Permanent Lok Adalat, Bastar at Jagdalpur in case No.38/13 is hereby set aside. Respondent No.1 would be at liberty to file appropriate application before the claims Tribunal under the law available to him. No order as to cost.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE