

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**WP227 No. 809 of 2014**

1. Prashant Arora S/o Shri Sudarshan Arora, aged about 50 years, R/o Hatakchorapara, Mahaveer Kunj, Aadavval Panchayat, Jagdalpur, Civil & Revenue District Bastar at Jagdalpur, C.G.

**---- Petitioner**

**Versus**

1. Prabhari Adhikari, Bajaj Alliance General Insurance Company Limited, Shivmohan Bhawan, Vidhansabha Road, Pandari, Raipur, District Raipur, C.G.

**---- Respondent**

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For Petitioner : Shri Malay Kumar Bhaduri, Advocate.  
For Respondent : None, though served.

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

**Order on Board**

**16.11.2015**

1. Heard on admission also on maintainability of the instant WP(227) under the law.
2. The petitioner filed the instant WP(227) for modification/enhancement of the award passed by the Permanent Lok Adalat (Public Utility) Bastar at Jagdalpur in Case No.38/2012 wherein the petitioner had filed an application for relief in related to insurance policy arising out of the accident dated 25-11-2010 under Section 22A of the Legal Services Authorities Act, 1987 (for short 'the Act, 1987'). The Court below after bi-party hearing vide order dated 28-03-2014 allowed the application filed in this behalf by the petitioner in part. Against the said order the petitioner filed the instant WP(227) for modification and enhancement.

3. Learned counsel for the petitioner duly supported the grounds taken in the petition and would submit that the petition may be admitted for hearing and the relief as prayed may be given after hearing the matter bi-party.
4. For the purposes of award as such passed by the Court below, Section 20 sub-section 6 of the Act, 1987 is relevant which is as under :-

**20. Cognizance of cases by Lok Adalats – xxxx   xxxxx**

|       |        |       |
|-------|--------|-------|
| xxxxx | xxxxxx | xxxxx |
| xxxxx | xxxxxx | xxxxx |

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to sub-section (2), that Lok Adalat shall advice the parties to seek remedy in a court.

5. In the matter of **Bajaj Alliance General Insurance Co. Ltd. Vs. Dasru Patel & Others**, reported in **2012 (2) CGLJ 142**, the Single Bench of this Court 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”.
6. After perusal of the award passed by the Court below, it appears that there was no compromise between the parties and the matter was disposed of on its merit. But, as per the aforesaid case law the Court below has no jurisdiction to dispose of the matter and also has no jurisdiction to entertain the matter for the award passed.
7. As the instant WP(227) is not maintainable in the light of above mentioned case law and also for the reason mentioned above, the petition

is dismissed as not maintainable with an observation that the award passed by the Court below was without jurisdiction. However, the petitioner may approach competent forum to redress the grievance available under the law. Registry is directed to return the certified copy of order of the Court below to the petitioner after retaining its photocopy in record.

8. The petition dismissed as not maintainable.

9. No order as to cost.

Sd/-  
**(Chandra Bhushan Bajpai)**  
**JUDGE**