

HIGH COURT OF CHHATTISGARH, BILASPUR

FA No. 141 of 2014

1. Prabandhak Tata A.I.G. Life Insu. Co. Ltd. & Ors. 1st Floor, Govind Ganga Complex, Bastar Road, Dhamtari, 493773 C.G.
2. Prabandhak Tata A.I.G. Life Insurance Co.Ltd., 2nd Floor, Lal Ganga Shopping Mall, G.E. Road, Raipur, 492001
3. Prabandhak Tata A.I.G. Life Insurance Co.Ltd., Corporate Office Delfi B-Ving, 2nd Floor, Orward Avenue, Heeranandani Business Park, Pawai, Mumbai, 400076

---- Appellants

Versus

1. Punnuram Sahu S/o Jagtu Ram Sahu Aged About 45 Years R/O Pipapwand, Post- Khorkhosa, Tah. Bastar, Distt. Bastar C.G.
2. Bhuneshwar Sinha S/o Gururam Sinha R/O Sonarpal, Post- Sonarpal, Distt. Bastar C.G.

---- Respondents

For Appellants – Shri Pushpendra Kumar Patel and Shri Dashrath Kushwaha, Advocates.

For Respondent No.1 – Shri Shantanu Kumar, Advocate.

For Respondent No.2 – None.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

11/03/2015

(1) Heard on application filed on behalf of the appellants under Section 5 of the Limitation Act for condoning the delay. Also heard on maintainability of the appeal at the stage of motion.

(2) As the appeal under Section 96 of Code of Civil Procedure (in short 'the CPC') is against the order of Permanent Lok Adalat (Utility Services), Bastar at Jagdalpur and award dated 08-07-2014 passed in Case No.55/2013 by which the Permanent Lok Adalat passed award for Rs.43,200/- along with costs ordered to be paid by the appellants–Insurance Company to applicant/respondent No.1 – Punnuram Sahu.

(3) The appeal filed after 3 days of its limitation. For condoning the delay it is submitted on behalf of the appellants that the delay caused on account of administrative activities, hence, it be condoned. So far as maintainability of this appeal is concerned, it is submitted that the appeal is maintainable.

(4) Learned counsel for respondent No.1 opposed the appeal and submitted that the delay is not explained. The appeal is not maintainable. Hence, the appeal may be dismissed on its motion stage alone.

(5) In order to appreciate the question of maintainability, I have perused the entire record and the award in question.

(6) After perusal of the award of the trial Court Permanent Lok Adalat (Utility Services), it goes to show that in para 2 of the award it is mentioned that the case is being disposed of on merits as prayed by both of the parties.

(7) With regard to consider the finality of the award passed by the Permanent Lok Adalat, Section 22E of the Legal Services Authorities Act, 1987 (in short 'the Act, 1987) is relevant which reads as under:-

22E. Award of Permanent Lok Adalat to be final. – (1) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.

On bare reading of the Act, 1987, it appears that award of the Permanent Lok Adalat made either on merit or in terms of settlement agreement shall be final and binding on all the parties. In the present matter award of the Permanent Lok Adalat under this Act passed on merit which is binding on all the parties and on persons claiming under them. As the award passed by the Permanent Lok Adalat as both the parties requested to dispose of the matter on its merit.

(8) Looking to the provisions of 22E the Act, 1987, it is clear that such award is binding on all the parties; thereby how the appeal lies before this Court is not duly submitted on behalf of the appellants.

(9) The appeal in its face is not maintainable by the provisions of Section 22E of the Act, 1987. Hence, this appeal is barred by law and looking to the

above legal position, the delay in filing the appeal is not liable to be condoned. Therefore, the appeal is hereby dismissed as being barred by time and also not maintainable, with a liberty to the appellants that they may approach to appropriate forum available under the law, if so advised.

(10) No order as to cost.

(11) Certified copy of the order impugned be returned to the appellants after retaining its photocopy in record.

Sd/-

JUDGE

