

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. No.22982 of 2013 (O&M)
DATE OF DECISION : 26.11.2015

Dr.Rajiv Bhatia

PETITIONER

VERSUS

The Chairman, Permanent Lok Adalat Public Utility Services, Gurgaon and
another

... RESPONDENTS

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri Rajesh Arora, Advocate for the petitioner.

Shri Ashwani Talwar, Advocate for respondent-2.

MAHESH GROVER, J.

The petitioner impugns the order 5.9.2013. He made a grievance regarding non-satisfaction of the insurance claim which was refuted by the company. The petitioner instituted a petition before the Permanent Lok Adalat Public Utility Services, Gurgaon on 19.8.2011, but realizing the pecuniary constraints on the jurisdiction, withdrew it on 23.2.2012 only to present it again in

April, 2012, since the pecuniary jurisdiction at that point of time stood enlarged. His claim has been rejected on the ground of limitation by treating the petition having been filed in April, 2012 i.e. date of fresh presentation.

On due consideration of the matter, I am of the opinion that the claim of the petitioner for decision on merits has been unjustly denied to him on a hypertechnical issue. If the petitioner had already preferred proceedings before the Permanent Lok Adalat Public Utility Services since 2011 and withdrew it only due to pecuniary constraints of jurisdiction to present it afresh when it was enlarged, then it cannot be said that he had approached the Permanent Lok Adalat Public Utility Services in April, 2012 to wash of the earlier period in entirety. Besides, Permanent Lok Adalats Public Utility Services have to accord substantial justice and not defeat issues on hypertechnicalities.

Consequently, the impugned order dated 5.9.2013 is set aside and the matter is remitted back to the Permanent Lok Adalat Public Utility Services for decision afresh by affording an opportunity of hearing to both the sides.

November 26, 2015
GD

(MAHESH GROVER)
JUDGE