

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP No. 4777 of 2015

Date of Decision: March 18, 2015

Oriental Insurance Co. Ltd.

...Petitioner

Versus

Bhai Kanahiya Manav Sewa Samiti etc.

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.C.Gupta, Advocate,
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This writ petition has been filed by the Oriental Insurance Company Ltd. challenging the Award passed by the Permanent Lok Adalat dated 10.10.2014 (Annexure P-1) by contending that the insurer was the Bhai Kanahiya Manav Sewa Samiti Sirsa and the petition has been preferred by the Bhai Kanahiya Manav Sewa Trust, Sirsa and, therefore, the petition itself was through an unauthorized entity disentitling the relief, as has been granted by the Permanent Lok Adalat.

This contention of the counsel for the petitioner cannot be accepted as the petition has been preferred through Bhai Kanahiya Manav Sewa Samiti Sirsa, which has now been called as Bhai

Kanahiya Manav Sewa Trust, Sirsa. It is submitted and admitted that all assets and liabilities have been transferred to this Trust and merely because neither the insurance policy nor the registration certificate has been transferred to the Trust, the same would not be a ground for dis-entitling the application preferred under Section 22-C of the Legal Services Authorities Act, 1987.

The second ground, which has been taken by the counsel for the petitioner for attacking the Award of the Permanent Lok Adalat, is that the liability, as assessed by the expert Surveyor, is ₹ 1,82,940.28 and, therefore, the liability is limited to that extent. He further contends that the other compensation amount along with interest, as has been granted by the Permanent Lok Adalat, is thus, not sustainable.

This contention of the counsel for the petitioner cannot be accepted as the report of the expert Surveyor is only an advice, which has been given and the Permanent Lok Adalat has, on appreciation of the evidence which has been produced before it and the records, come to a conclusion with regard to the grant of compensation and interest, which, according to this Court, is fully justified and based upon the pleadings and the record available before it. Thus, this calls for no interference by this Court in exercise of its writ jurisdiction.

The writ petition, therefore, stands dismissed.

March 18, 2015
pj

(AUGUSTINE GEORGE MASIH)
JUDGE