

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No. 16883 of 2011
Decided on 14.1.2016**

Reliance General Insurance Co. Ltd.

--Petitioner

Vs.

Raj Bala and another

--Respondents

**CWP No.16930 of 2011
Decided on 14.1.2016**

Reliance General Insurance Co. Ltd.

--Petitioner

Vs.

Sandeep Kumar and others

--Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr. Ashwani Talwar Advocate, for the petitioner in
CWP No. 16883 of 2011

Mr.Sandeep Vermani,Advocate, for the petitioners
in CWP No.16930 of 2011

Mr. Rakesh Dhiman,Advocate, for the respondents

Mr. P.P.Chahar, DAG, Haryana

Rakesh Kumar Jain,J: (Oral)

This order shall dispose of two petitions bearing CWP

Nos.16883 and 16930 of 2011 as the issue involved in both the cases is the same.

Shorn of unnecessary details, the petitioner in both the cases have challenged the order passed by Permanent Lok Adalat (PUS), Gurgaon in which the application filed by the private respondents has been allowed against the Insurance Company by the Chairman of Permanent Lok Adalat (PUS) alone.

Learned counsel for the petitioner has submitted that the Lok Adalat has been established under Section 22 (B) of the Legal Services Authorities Act, 1987 which comprises of three members. Therefore, the order cannot be passed by a Single member of the Permanent Lok Adalat (PUS). In order to appreciate the submission made by learned counsel for the petitioner, it would be relevant to refer to Sections 22 (B) and 22 (E) of the Act, which are reproduced as under:

“22 (B) Establishment of Permanent Lok Adalat,-(1) Notwithstanding anything contained in Section 19, the Central Authority or, as the case may be, every State authority shall, by notification, establish permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

(2) Every Permanent Lok Adalat established for an area notified under sub section (1) shall consists of-

(a) a person who is, or has been, a district judge or additional judge or has held judicial office higher in rank than that of a district judge, shall be the Chairman of the Permanent Lok Adalat; and

(b) two other persons having adequate experience in public

utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, by the State Authority, appointed by the Central Authority or as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government”

“22 (E). 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.

(2) Every award of the Permanent Lok Adalat under this Act, shall be deemed to be a decree of a civil court.

(3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.

(4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceedings.

(5) The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court]

Learned counsel for the respondents has submitted that the case was heard not only by the Chairman of the Permanent Lok Adalat (PUS) but by the other members also but because of inadvertence, their names are not appearing in the impugned order.

I have heard learned counsel for the parties and after examining

the record, am of the considered opinion that the order has to be passed by the Permanent Lok Adalat (PUS) constituted the Chairman, which shall be District Judge or Addl. District Judge or Judicial Member higher in rank than that of the District Judge, besides two other members having adequate experience in Public Utility Services or to be nominated by the Central Government as the case may be on the recommendation of the Central Authority. Section 22 (E) of the Act, provides that every award of the Permanent Lok Adalat (PUS) under this Act shall be by a majority of the persons, whereas in the present case, the impugned order has been passed only by the Chairman and is not by the majority of the members of the Permanent Lok Adalat (PUS), therefore, the impugned order is without jurisdiction and hence the same is hereby quashed. The matter is, thus, remanded back to the Permanent Lok Adalat (PUS), Gurgaon, to decide the same afresh in accordance with law.

The parties are directed to appear before the Permanent Lok Adalat (PUS), Gurgaon on 10.2.2016.

14.1.2016
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(Rakesh Kumar Jain)
Judge