

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8568 OF 2017

SBI General Insurance Co. Ltd., .. Petitioner.
v/s.
M/s. B. R. Waikar, Jewellers .. Respondent.

Mr. Sushil Nimbkar with Mr. Rishikesh Ganu,, for the Petitioner.
Mr. Purohit Pande with Mr. Darryl P. Barretto, for the Respondent.

CORAM: M.S.SANKLECHA, J.
DATE : 7th SEPTEMBER, 2017.

P.C:-

Moved for admission and urgent reliefs.

This Petition under Article 227 of the Constitution of India, challenges an order dated 6th May, 2015 passed by the Chairman, Permanent Lok Adalat, Pune. By the impugned order, Respondent No.1's Pre-Litigation Application No.9 of 2017 in respect of claim of insurance on account of burglary/ theft, was partly allowed.

2 Petitioner's grievance is that the impugned order has been passed ex-parte. Moreover, before the impugned order was passed, the mandatory procedure under Section 22-C (3) (C) of the Legal Services Authority Act, 1987 was not complied with, inasmuch as the additional evidence filed on behalf of the Applicant was not served upon the Petitioner.

3 Mr. Pande, learned Counsel appearing for Respondent No.1 states that the Petitioner has an alternative remedy of moving Chairman

and the Member of the Permanent Lok Adalat, Pune for re-call of an ex-parte order. In support thereof, he placed reliance upon the decision of the Punjab & Haryana High Court in *M/s. Cititech Pvt. Ltd., & Another v/s. Permanent Lok Adalat and Others (Civil Writ Petition No.5420 of 2017, rendered on 16th March, 2017)* and *National Insurance Company Ltd., v/s. Kulwant Singh and another (Civil Writ Petition No.27607 of 2013 rendered on 17th December, 2013)* – where the Petitioners' grievance that the order passed ex-parte could be addressed by making application to it for recall. In view of the above, Mr. Nimbkar, learned Counsel appearing for the Petitioner seeks liberty to withdraw this Petition with liberty to make appropriate application before the Permanent Lok Adalat at Pune.

4 Needless to state that if any such application is made, the Permanent Lok Adalat, Pune would deal with the same, in accordance with law. The Permanent Lok Adalat will consider the application for recall of the ex-parte order on its own merits, if such an application is made within two weeks from the date this order is uploaded. The Permanent Loa Adalat will consider the above application if made within the above time limit on its own merits as the delay, if any, in filing such an application is condoned by me.

5 Mr. Pande, learned Counsel appearing for the Respondent states that for a period of three weeks from the date this order is uploaded on the High Court site, no coercive steps would be taken to execute the order of the Tribunal. All contentions left open.

6 **Petition disposed of.** No order as to costs.

(M.S.SANKLECHA,J.)