

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.11193 of 2016
Date of decision : 27.02.2017

Sawinder Singh

...Petitioner

Versus

Permanent Lok Adalat, Kapurthala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Vinod K. Kaushal, Advocate for the petitioner.

Mr. B.S. Taunque, Advocate for respondent Nos.2 and 3.

AMIT RAWAL, J. (Oral)

The petitioner is aggrieved of the impugned order dated 18.02.2016 (Annexure P-5), whereby application moved under Section 22 (c) of The Legal Services Authority Act, 1987 for granting compensation on account of own damage of the vehicle, has been declined.

Mr. Vinod K. Kaushal, learned counsel appearing on behalf of petitioner submits that vehicle was registered with valid registration certificate and is insured, much less, insurance policy has been issued, despite the Lok Adalat had declined the case by accepting the claim of Insurance Company as vehicle did not have permit, in essence, according to the Insurance Company vehicle was being run for commercial purposes.

Mr. B.S. Taunque, learned counsel appearing on behalf of respondent Nos.2 and 3 submits that dispute could not have been

adjudicated by the Lok Adalat as remedy would lie elsewhere.

I have heard learned counsel for the parties and appraised the paper book.

For claiming the relief, in respect of facts indicated above, remedy for the petitioner was to file civil suit and to prove whether there is violation of the terms and conditions of the insurance policy or not but not in the manner and mode as there was no conciliation at the instance of the respondents for the purpose of adjudication of the lis. Detailed evidence is required to be led, yet Lok Adalat has taken into consideration the document marked as Ex.PI without subject to the mode and proof which could only be the domain of civil court subject to the mode and proof for mere exhibition of the documents does not dispense with the proof.

With the aforementioned observations, impugned order is set aside relegating the petitioner to avail remedy as indicated above and in case any remedy is availed within a period of two months from the date of receipt of certified copy of the order, period spent in Lok Adalat shall deemed to be condoned.

Accordingly, present writ petition stands disposed of.

27.02.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No