

CWP-24225-2013

Date of Decision : 06.03.2017

M/s Tour N Travel Mart

.....Petitioner

versus

Hare Krishna Shi Dham Yatra and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** None.**M.M.S. BEDI, JUDGE (ORAL)**

Through instant petition, the orders passed by the Permanent Lok Adalat (Public Utility Services), Gurgaon dated 01.08.2013 and 02.09.2013 pertaining to same cause of action, have been challenged. By virtue of the impugned orders the Permanent Lok Adalat had dismissed the application under Section 22-C of the Legal Services Authority Act, twice at pre-litigation stage, for release of a sum of Rs.2,62,800/- along with interest on account of the damages, mental harassment and deficiency in service i.e. Rs.10,000/-, each for per person deposited for Kedar Nath Yatra by helicopter. Respondent No. 2 and their agents had allegedly refused the services on the ground that no booking was shown to have been made by the petitioner. The Permanent Lok Adalat has dismissed the applications on the ground that those were not maintainable at Gurgaon.

Notice was ordered to the respondents but respondents having not been served an application, under Order 5 Rule 20 CPC has been filed for substituted service of the respondents.

None has appeared today on behalf of the petitioner.

I have considered the facts and circumstances of the case and I am of the opinion that the objection raised by the Permanent Lok Adalat regarding jurisdiction and dismissal of the applications under Section 22-C of the Legal Services Authority Act by the Permanent Lok Adalat, will not debar the petitioner to avail appropriate remedy before the Civil Court or any other forum, meant for seeking damages for deficiency in services. The High Court, in the exercise of supervisory jurisdiction or writ jurisdiction, cannot act as an Appellate Court, unless and until, there is an apparent error pertaining to jurisdiction or an error which goes through the roots of the matter. Since the claim of the petitioner has not been adjudicated upon by the Permanent Lok Adalat, petitioner has got an alternative remedy to approach the Court/forum of competent jurisdiction at Mangalore or in the area where the petitioner has got his office.

Taking into consideration the remedy available to the petitioner under the provisions of Section 20 of the Code of Civil Procedure, this petition is disposed of relegating the petitioner to avail alternative remedy with a specific observation that anything mentioned in the order passed by the Permanent Lok Adalat will not prejudice the

rights of the petitioner.

Disposed of with above observations.

(M.M.S. BEDI)
JUDGE

06.03.2017
Neha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No