

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

CWP No.22208 of 2015
Date of decision : 09.03.2017

Balbir Kaur

...Petitioner

Versus

Lok Adalat and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Gaurav Goel, Advocate for respondent No.1.

Mr. Kuldeep Khandelwal, Advocate for respondent No.2.

Mr. Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J. (Oral)

Prayer in the the present writ petition is for setting aside the order dated 08.09.2015 passed by Lok Adalat.

Contention of the petitioner is that FAO bearing No.2656 of 2001 titled as Smt. Balbir Kaur and another Vs. Balbir Singh @ Dalbir Singh and others, was filed against the award of MACT seeking enhancement of compensation. However, without the consent of the petitioner, the matter was referred to Lok Adalat, whereby Lok Adalat vide impugned order dated 08.09.2015 has given a very paltry amount of compensation and directed to be paid to the husband who has already died, whereas LR's would have been entitled to more. In support of his contention,

he has relied upon ratio decidendi culled out by Hon'ble Supreme Court in *Bar Council of India Vs. UOI, 2012(4) RCR (Civil) 262*, to contend that Lok Adalat have to act only as per the consensual right of the parties and cannot implore upon the party in the manner and mode indicated above.

Mr. Gaurav Goel, learned counsel appearing on behalf of respondent No.1 submits that award of the Lok Adalat is perfectly legal and justified.

I have heard learned counsel for the parties and appraised the paper book and of the view that award of Lok Adalat is not justified. Purpose of establishing before Lok Adalat is to enable the parties to arrive at some consensus with regard to compensation. Once the claimants had not given any consent, Lok Adalat should have sent the matter back to this Court.

Resultantly, order dated 08.09.2015 of the Lok Adalat is set aside.

FAO bearing No.2656 of 2001 titled as Smt. Balbir Kaur and another Vs. Balbir Singh @ Dalbir Singh and others is ordered to be restored to its original number.

With the aforementioned observations, present writ petition stands disposed of.

09.03.2017

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**(AMIT RAWAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No