

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

**C.W.P. No.321 of 2014
Date of Decision:19.09.2017**

Rajender Singh

.....Petitioner

Vs.

Permanent Lok Adalat and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

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

Mr. R.M. Suri, Advocate for respondents No.2 and 3.

Rakesh Kumar Jain, J. (Oral)

This petition is filed against the award of the Permanent Lok Adalat (for short, 'the Adalat') dated 28.05.2013 by which the claim set up by the petitioner has been reduced on the basis of the survey report Ex.R1.

Counsel for the petitioner has submitted that only finding recorded by the Adalat is that "from the perusal of the documents placed on file by the petitioner, it is observed that the amount shown in the bill seems to be exaggerated." It is argued that there is no definite finding recorded by the Adalat as to how the bills submitted by the petitioner are exaggerated.

Counsel for the respondents has, however, submitted that the Adalat has taken into consideration the survey report and found that the amount which has been spent in the repair of the vehicle is justified.

I have heard both the learned counsel for the parties and after examining the record, am of the considered opinion that there is a fallacy in the approach of the Adalat in deciding the lis between the parties by relying only upon the survey report Ex.R1 and recording finding based upon

presumption that the bills submitted by the petitioner appears to be exaggerated. In case, the Adalat wanted to disbelieve the bills submitted by the petitioner then it should have relied upon some evidence led by the respondents and in the absence of the evidence, it should have relied upon the bills submitted by the petitioner for the purpose of compensating him. Thus, in my considered opinion, the matter requires re-consideration at the hands of the Adalat. Therefore, the impugned order dated 28.05.2013 is hereby set aside and the matter is remitted back to the Permanent Lok Adalat, Hisar to decide it by making specific observations about the bills submitted by the petitioner. In case, it is found that the bills submitted by the petitioner are genuine then the Adalat shall award the compensation accordingly.

It is needless to mention that in this regard, the Adalat may ask the petitioner to submit the affidavit of Ridham Motors from where the petitioner had got his vehicle repaired and submitted the bills. The parties are directed to appear before the Permanent Lok Adalat, Hisar on 06.11.2017.

Disposed of.

September 19, 2017
renu

(RAKESH KUMAR JAIN)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No