

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

CWP No. 23278 of 2017

Date of decision : 11.10.2017

Market Committee, Shahabad (M) district Kurukshetra

....Petitioner

V/s

Permanent Lok Adalat, Public Utility Services, Karnal & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Pritam Saini, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner has posed a challenge to the award passed by Permanent Lok Adalat, (PUS, Karnal) whereby it allowed the plea of the claimants (respondents no. 2 to 4 herein) for grant of total amount of ₹2.00 lacs to be shared jointly in equal share by the petitioner and the State. It has been urged before the court that award suffers from illegality. The deceased was not victim of any accident, rather he died due to chest disease. In such circumstances, scheme in question would not be applicable. The applicant namely Subhash Chand died on 13/14.12.2013. He was suffering from a chest disease and yet he was working in the fields. After his death, his wife moved an application for grant of compensation under the schemes known as “Rajiv Gandhi Pariwar Bima Yogna” and “Mukhyamantri Kissan Khethihar Majdur Jiwan Suraksha Yojna”. Forum found the claim to be tenable and awarded the compensation. A perusal of the scheme shows that it covers wide range of situation in which a death of a person would entitle

him to compensation. In fact the relevant scheme floated under Clause XVII of Section 18 of the Haryana Agriculture Produce Market Act, 1961 may be inclusive in nature. There can be no doubt about the fact that widow and children of the deceased are living in utter penury. No fault can, thus, be found with the award passed by the Tribunal. On the other hand, petitioner-Market Committee has raised hyper technical issues before the Forum as well as this court. The Committee may have incurred considerable expense in pursuing the litigation against a poverty ridden family. Such an approach needs to be discouraged. Counsel for the petitioner has not been able to show how the order passed by Lok Adalat would operate as a precedent for other similar Forums. Present petition is, thus, totally frivolous and is hereby dismissed with ₹20,000/- as costs. Same be remitted to respondents no. 2 to 4 within three weeks.

October 11, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No