

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.14278 OF 2017

NANDKISHOR MOHANLAL LAHOTI
VERSUS
M/S SAI CONSTRUCTION ENGINEER AND CONTRACTORS
THROUGHITS PARTNER N B PAWAR

...
Advocate for the Petitioner : Shri Thorat Chandrakant R..
Advocate for the Respondent : Ms.Bodke Patil Poonam V..
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 15th December, 2018

Per Court:

1 I have heard the strenuous submissions of the learned Advocates appearing for the respective sides. With their assistance, I have gone through the scheme of the Legal Services Authorities Act, 1987 and especially Sections 20, 22 and 22-C. There is no dispute that the pecuniary jurisdiction of the Permanent Lok Adalat is now raised to Rs.25 lac.

2 It appears that the Petitioner, despite having been granted 74 days time in PLA Petition No.89/2016, has not entered the written say. However, he has also not consented for the compromise. Since the recovery for an amount of Rs.17,34,634/- has been ordered by the impugned order, the Petitioner is aggrieved.

3 I find that by imposing costs, the matter could be remitted to

the Permanent Lok Adalat, Aurangabad.

4 The learned Advocate for the Respondent has taken instructions from the Respondent, present in the Court, that if costs of Rs.10,000/- are imposed, to be paid to the Respondent, he would agree for a remand and would pray for a time bound decision.

5 The learned Advocate for the Petitioner is agreeable.

6 In view of the above, this Writ Petition is partly allowed. The impugned order dated 26.04.2017 is set aside and PLA Petition No.89/2016 is remitted to the Permanent Lok Adalat, Aurangabad on the following conditions :-

- (a) The litigating sides would appear before the Permanent Lok Adalat, Aurangabad on 07.01.2019.
- (b) The Petitioner shall deposit an amount of Rs.10,000/- (Rupees Ten Thousand) on or before 07.01.2019 before the Permanent Lok Adalat, Aurangabad.
- (c) The Respondent is at liberty to withdraw the said costs without conditions.
- (d) The Petitioner shall also enter his written statement/ say along with all accompanying documents on 07.01.2019 and shall not seek an adjournment.
- (e) The Permanent Lok Adalat would thereafter, dispose of the said proceedings in accordance with the scheme enunciated

under the Legal Services Authorities Act, 1987, on or before 31.03.2019.

- (f) All the contentions of the parties are kept open except the issue of pecuniary jurisdiction.

kps

(RAVINDRA V. GHUGE, J.)