

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

CWP No. 25613 of 2016

Date of Decision: 09.02.2018

NEW INDIA ASSURANCE CO. LTD. CHANDIGARH

.....Petitioner

V/S

***PRESIDING OFFICER, PERMANENT LOK ADALAT, PUBLIC
UTILITY SERVICES, SONEPAT AND ANOTHER***

.....Respondents

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

Present: Mr. Vinod Gupta, Advocate,
for the petitioner.

None for respondent No. 2.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner-Insurance Company has challenged the validity of the award dated 27.09.2016, passed by the Permanent Lok Adalat (PUS) Sonapat by which an application filed under Section 22-C of the Legal Services Authorities Act, 1987 for awarding compensation in case of a vehicular accident has been entertained and decided against the petitioner-company.

At the time of issuance of notice of motion on 14.02.2017, this Court had noticed a decision rendered by this Court in the case of M/s. D.S. Transport Corporation Vs. The Court of Permanent Lok Adalat and another, CWP No. 10896 of 2012, decided on 19.09.2016, while granting injunction to the petitioner, ordered to pay a sum of ₹8.00 Lakhs within a period of 15 days to respondent No. 2 and in case of doing so, the execution of the order for recovery of remaining amount was stayed.

Learned counsel for the petitioner has submitted that order dated 14.02.2017 has been complied with and ₹ 8.00 Lakh has been paid.

Be that as it may, since learned counsel for the petitioner has submitted that this case is covered by the decision rendered by this Court in the case of *M/s. D.S. Transport Corporation (supra)*, therefore, it was shown in the urgent list today.

The case was called in the morning but learned counsel for respondent No. 2 did not appear and is absent in the second round of hearing of the pass over matters.

After waiting sufficiently for the appearance of learned counsel for respondent No. 2, I have decided to hear the matter on merits.

Learned counsel for the petitioner has submitted that the issue as to whether Permanent Lok Adalat, Public Utility Services, Sonapat has got jurisdiction to decide the petition for awarding of compensation in a vehicular accident *de hors* the provisions of the Motor Vehicles Act, 1988 (hereinafter referred as 'the Act') is no more *res integra* in view of the decision of the Kerala High Court in the case of "*Bhoopesh Vs. New India Assurance Co. Ltd.*", 2010 (1) RCR (Civil) 362.

Thus, In view of the judgment passed in the case of *M/s. D.S. Transport Corporation (supra)*, the petition is allowed and the impugned order passed by the Permanent Lok Adalat, Public Utility Services, Sonapat is hereby set aside.

It is needless to mention here that respondent No. 2, if so advised, may avail appropriate remedy before the Motor Accident Claims Tribunal, constituted in terms of Section 165 of the Act for the purpose of

seeking recovery, if he is not satisfied with the amount already awarded, in terms of the interim order dated 14.02.2017 passed by this Court.

February 9, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking / reasoned</i>	:	✓ Yes	/	No
<i>Whether Reportable</i>	:	Yes	/	No