

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

CWP No. 6877 of 2014

Date of Decision: 17.05.2018

BAJAJ ALLIANZ GENERAL INSURANCE CO. LTD. ...Petitioner

VS.

PERMANENT LOK ADALAT (PUS), FATEHABAD ...Respondents

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

Present: Mr. Vishal Aggarwal, Advocate,
 for the petitioner.

 Ms. Manju Goyal, Advocate,
 for Mr. Sumeet Goel, Advocate, for respondent No. 1.

 Mr. Dinesh Ghai, Mr. Hitesh Ghai and Mr. Nikhil, Advocates,
 for respondent No. 2.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed to challenge the order dated 20.11.2013, passed by the Permanent Lok Adalat (PUS), Fatehabad, by which application filed by respondent No. 2, under Section 22 C of the Legal Services Authorities Act, 1987 (hereinafter referred to as “the Act”) has been allowed.

The grievance of the petitioner is that respondent No. 2 had concealed the material fact at the time of obtaining the policy that he had already made a claim from the Insurance company i.e National Insurance Company and because of that the petitioner had to give 20% No Claim Bonus (NCB).

During the course of hearing, learned counsel for the petitioner could not satisfy the Court that any such documents or evidence were brought to the notice of the Permanent Lok Adalat, therefore, no error could be found to the order passed by the Permanent Lok Adalat.

Second argument raised by the learned counsel for the petitioner is that the conciliatory proceedings were not held in terms of Section 22 C (7) of the Act. In this regard, he has referred to para 4 of the impugned order which specifically says that *“the parties were persuaded for amicable settlement but to no use, therefore, this Adalat proceeded to decide the petition on merits.....”*

No doubt that the Permanent Lok Adalat has two jurisdictions vested in it. Firstly of the ‘Conciliation’ and secondly the ‘Adjudication’. If the petitioner were keen to challenge the observations made by the Permanent Lok Adalat in para 4 of its order, it should have brought on record the *zimni* orders to show that the Permanent Lok Adalat has not framed any terms and conditions for the purpose of amicable settlement between the parties by way of conciliation.

The last argument raised by the learned counsel for the petitioner is that since it was a case of disputed question of facts, therefore, the matter should have been referred to the Civil Court.

I am not at all impressed with the arguments raised by the learned counsel for the petitioner because Section 22 C (8) of the Act specifically provides that in case, the Permanent Lok Adalat comes to a conclusion that the parties are not in a position to settle their dispute by way of conciliation, it can take upon adjudicatory process to decide the matter on merits.

In this case, ample opportunities appears to have been given to the petitioner who had led the documentary evidence by tendering various documents and after considering those documents, the Permanent Lok Adalat has decided against the petitioner.

No other point has been raised by the learned counsel for the petitioner. In view thereof, present petition is hereby dismissed.

May 17, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :	✓ Yes / No
Whether Reportable :	Yes / No