

**LPA No. 1176 of 2016 (O&M) in
CWP No. 1083 of 2016**

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

**LPA No. 1176 of 2016 (O&M) in
CWP No. 1083 of 2016
DECIDED ON: OCTOBER 09, 2018**

KEWAL SINGH

.....APPELLANT

VERSUS

PERMANENT LOK ADALAT & ANR

.....RESPONDENTS

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
 HON'BLE MR. JUSTICE AVNEESH JHINGAN**

**Present : Mr. Munish Kamboj, Advocate for
 Mr. P.S.Jammu, Advocate
 for the appellant.**

**Mr. Paras Money Goyal, Advocate
for respondent No.3.**

AVNEESH JHINGAN, J

CM No. 2434-LPA-2016 & CM No. 2435-LPA-2016

Delay of two days in filing and 81 days in refiling is condoned.

CM No. 2581-LPA of 2017

Documents Ex.P1, P-4 to P-8 [Annexure A1 (collectively)], are

taken on record.

LPA No. 1176 of 2016

The order passed by the learned Single Judge in CWP No. 1083 of 2016 has been challenged by filing the present intra-court appeal. Along with the appeal, applications seeking condonation of delay of 2 days in filing and 81 days in re-filing thereof have also been filed.

2. Appellant filed a writ petition bearing CWP No. 1083 of 2016 seeking quashing of order dated 01.12.2015 (Annexure P-3) passed by Permanent Lok Adalat, Public Utility Services, ADR Centre, District Court Complex, Sirsa.

3. The bare necessary facts as emanating from the perusal of paper book are that the car of the appellant met with an accident and information in this regard was given to the police as well as to the Insurance Company. Appellant filed a claim with the Insurance Company. As the claim was not being paid, appellant filed a petition under Section 22-C of Legal Services Authority Act, 1987 (for short 'the Act') for settlement of dispute. The Permanent Lok Adalat vide order dated 01.12.2015 (Annexure P-3) dismissed the aforesaid petition. Aggrieved of the dismissal of the said petition, the writ petition was filed. The learned Single Judge, held that since there was disputed question of fact regarding the date of accident, the claim of the appellant for compensation could not be decided in the summary proceedings before the Permanent Lok Adalat.

4. Learned counsel for the appellant contended that learned Single Judge erred in dismissing the writ petition, as the application was not declined

by the learned Permanent Lok Adalat on the ground that there was a dispute with regard to the date of accident.

5. The contention raised by learned counsel for the appellant deserves rejection.

6. There was serious dispute regarding the alleged date of accident. In such circumstances, the petition filed under Section 22-C of the act was rightly rejected. Even the documents, Ex.P-1, P-4 to P-8 [Annexure A-1 (colly.)] produced by way of CM No. 2581-LPA-2017, do not come to the rescue of the appellant, as it no where establishes the actual date of accident.

7. There is no error in the order passed by learned Single Judge warranting interference in the appeal.

8. Accordingly, the appeal is dismissed.

**(AJAY KUMAR MITTAL)
JUDGE**

**(AVNEESH JHINGAN)
JUDGE**

**OCTOBER 09, 2018
*sham***

<i>Whether speaking/reasoned:</i>	<i>Yes / No</i>
<i>Whether reportable :</i>	<i>Yes / No</i>