

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.1029 of 2005 (O&M)
Date of Decision: 05.11.2019

Om Parkash

..... Petitioner

Versus

Mohd. Jamshed and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Deepak Gollen, Advocate for
Mr. Navneet Singh, Advocate
for the petitioner.

Respondent No.2 proceeded *ex parte*
vide order dated 29.08.2016

Mr. Suvir Dewan, Advocate
for respondent No.3.

SUDIP AHLUWALIA J. (ORAL)

This revision is directed against the order passed by the Ld. Motor Accident Claims Tribunal, Gurgaon on 08.05.2004 (Annexure P-3). Vide the impugned order, an application of the petitioner for setting aside the previous order passed by the Lok Adalat on 31.01.2004, was dismissed.

2. The contention of the petitioner was that the original claim application has been filed on account of death of his son in a Motor Vehicle Accident in which an amount of Rs.10,00,000/- was claimed as compensation. However, the matter was compromised at an amount of Rs.1,75,000/- in the Lok Adalat with the respondent No.3/Insurance Company, on submission of Ld. Counsel for the petitioner.

3. Ld. Tribunal rejected the application by holding it non-maintainable since it was of the view *“The claim duly settled in the Lok Adalat cannot be challenged in appeal or cannot be got set aside by filing an application before the Motor Accident Claims Tribunal on the ground that the same is not acceptable to the petitioner. The contention of the applicant that their counsel had no instructions to settle the matter in the Lok Adalat, has no force. No lawyer would act unless he is instructed by his client to do a particular act. The statement of the counsel for petitioners is binding on them and they are estopped from going back on the same”*.

4. It is a matter of record that the petitioner's own counsel Sh. Narender Yadav, Advocate had appeared before the Lok Adalat on the relevant date and had given the statement on behalf of the petitioner. Interestingly, the application to set aside the order of the Lok Adalat was again moved through none other than the same counsel, Sh. Narender Yadav, Advocate and there is nothing on record to indicate that the petitioner, at any time, thought fit it to seek action against his aforesaid counsel on account of his alleged wrongful act of making the statement to the detriment of his client. On the contrary, the application for setting aside the order was got moved through the same counsel which would only indicate that the petitioner at a later stage was seeking to somehow wriggle out of the compromise and statement made before the Lok Adalat, on the basis of which, the matter was finally decided.

5. This Court, thus, finds no merit in the present petition and the

same is, therefore, dismissed. Consequently, the IOIN for service of respondent No.1 by the dismissal of the main petition has been rendered infructuous and stands disposed off as such.

(SUDIP AHLUWALIA)
JUDGE

November 05, 2019
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No