

**Sr. No. 206
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.9677 of 2015 (O&M)

Date of Decision: 01.05.2019

Anju Devi and others

... Petitioners

Versus

MACT, Ludhiana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Atul Goyal, Advocate,
for the petitioners.

Mr. Vikas Mohan Gupta, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

Present writ petition has been filed for issuance of a writ in the nature of certiorari seeking quashing of Award/Order dated 02.12.2014, passed by Pre Lok Adalat, Ludhiana (Annexure P-5).

2. The short controversy in the present case is whether a statement suffered by learned counsel for the petitioners before the Pre Lok Adalat on behalf of the petitioners to compromise the matter with respondent No.4-United India Insurance Company is binding on the petitioners?

3. Learned counsel for the petitioners appearing in the present proceedings submits that the petitioners had never authorized their counsel to suffer such a statement. In any case, without the signatures of the petitioners, the matter could not have been compromised.

4. He further points out that as per Regulations 17 (2) of National Legal Services Authorities (Lok Adalats), Regulations 2009 of the Legal Services Authorities Act 1987, it is mandatory on the part

of Lok Adalat to not only get the signatures of the parties but also obtain the same on the Award passed pursuant to the compromise.

Relevant whereof is extracted hereinbelow:-

“When both parties sign or affix their thumb impression and the members of the Lok Adalat countersign it, it becomes an award.”

5. He further submits that even proforma (Appendix I) provided in the Regulations envisages that the parties who are entering into a compromise must sign the same in order to avoid any needless litigation later on which may arise.

6. I am in agreement with the argument of learned counsel for the petitioners herein that the Award passed on the basis of a compromise wherein the signatures of the petitioners were not taken, is not binding on the petitioners. In view thereof, the said Award/Order dated 02.12.2014 (Annexure P-5) is set aside.

7. Motor Accident Claims Tribunal, Ludhiana is directed to restore the ***claim petition No.22 of 02.05.2014 filed under Section 166 of the Motor Vehicles Act titled as Anju Devi and others Vs. Kashmiri Lal and others*** and to dispose of the same, in accordance with law.

8. Parties are directed to appear before the MACT, Ludhiana on 09.07.2019.

9. Petition is allowed in the above terms.

(ARUN MONGA)
JUDGE

01.05.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No