

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC NO.41127 OF 2021

Kartika Chandra Nayak & anr.

....

Petitioners

Mr.S.Mishra, Adv.

-versus-

Nityananda Das & anr.

....

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
1.2.2022**

Order No.

- 01.
1. This matter is taken up through video conference mode.
 2. Heard learned counsel for the Petitioners.
 3. This is a Writ Petition assailing the order at Annexure-6, whereby the Motor Accident Claims Tribunal rejected the claim of the Petitioners to recall the compromised Lok Adalat Award, vide Annexure-3 involving a dispute under the provisions of Motor Vehicle Act.
 4. Taking into consideration the grounds in the Application to recall the Lok Adalat Award as well as the grounds raised herein, this Court finds, undisputedly the Lawyers appearing for both sides

have filed a compromise petition settling the amount on acceptance of the offer of Rs.8,50,000/- as final compensation. The compromise award was passed based on such joint application of the Lawyers of both sides on 19.12.2020. For the opinion of this Court, once a party engages an Advocate, there is consent to such Advocate to take case of all such issues involved therein. Further, even though the Lok Adalat Award was passed on 19.12.2020 and in the meantime almost one year has passed, in spite of taking a ground that the compromise award was obtained by the Counsel for the Claimants without having his consent, this Court finds it surprise to note that there has been no complain involving such Lawyer lodged in the Bar Council as of now. For the submission of the learned counsel for the Petitioners, based on such compromise determination, the amount so determined in the Lok Adalat has already been taken away by the Claimants involved herein. In the event the Petitioners were dissatisfied with the conduct of the Lawyer, nothing prevented them to make complain to the Bar Council and take support of the same in the lower court proceeding, but however, before applying for release of amount determined. It is not permissible that on one hand a Lawyer will not lodge complain against such Advocate in the Bar Council

for having worked against their consent and at the same time remain in enjoyment of benefit in such process.

5. It is in the above background, the Petitioners remaining silent on the conduct of the Lawyer alone, this Court while disbelieving the stand taken by the Petitioners, further keeping in view that the claimants are already in receipt of benefits long since, this Court is not inclined to entertain the Writ Petition, which is dismissed accordingly.

6. As restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the Parties may utilize a printout of the order available in the High Court's Website, at par with certified copy, subject to attestation by the concerned Advocate, in the manner prescribed vide Court's Notice No.4587 dated 25th March, 2020, modified by Notice No.4798 dated 15th April, 2021 and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Biswanath Rath)
Judge

M.K.Rout