



C.R.P(PD).No.313 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

CORAM :

THE HONOURABLE MS. JUSTICE R.N.MANJULA

C.R.P.(PD).No.313 of 2022

and

C.M.P.No.1577 of 2022

M/s.The New India Assurance
Company Limited,
Third Party Claims Cell 5th Floor,
No.45, Moore Street,
Chennai 600 001.

... Petitioner

..Vs..

1.N.Sujatha

2.Minor Lokesh

3.Lakshmi Ammal

... Respondents

Prayer:- Civil Revision Petition is filed under Article 227 of Constitution

of India, against the fair and decretal order dated 30.01.2019 made in

I.A.No.976 of 2018 in M.C.O.P.No.256 of 2016 on the file of the learned

II Additional District Judge, Tiruvallur @ Poonamallee.

For Petitioner : Mr.J.Michael Visuvasam

For Respondents : Mr.G.Jaisivaramaraj



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ORDER

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This Civil Revision Petition has been preferred challenging the order of the learned II Additional District Judge, Tiruvallur @ Poonamallee dated 30.01.2019 made in I.A.No.976 of 2018 in M.C.O.P.No.256 of 2016.

2.The revision petitioner is the 2nd respondent in the claim petition. The respondents have filed a claim petition for claiming compensation for the death of one Nathamuni, in a road traffic accident. The matter was settled in Lokadalat and Award was also passed by fixing the compensation at Rs.8 lakhs. Subsequently, the Insurance Company filed a petition in I.A.No.976 of 2018 before the Tribunal to set aside the same and the said petition was dismissed. Aggrieved over that, the petitioner has preferred this revision petition.

3.The learned counsel for the petitioner submitted that the settlement arrived at Lok Adalat is a sheer mistake of the Insurance Company which omitted to notice that the Insurance Policy pertaining to



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the case, it is just an Act only policy and it does not cover the compensation payable to the pillion rider, who is the deceased in this case. The learned trial Judge had dismissed the petition by observing that the Lok Adalat Award cannot be challenged before the Tribunal after it became final and it is further observed that if at all the revision petitioner wished to challenge the award that can be only under Article 226 and 227 of Constitution of India.

4.The learned counsel for the respondents submitted that as per Section 22(E) of the Legal Services Authorities Act, 1987, the Award passed by the Lok Adalat shall become final and it cannot be challenged and hence, the revision petition filed by the petitioner is not maintainable.

5.Despite the learned counsel for the revision petitioner submitted his arguments on his entitlement to challenge the Award passed in the Lok Adalat, the relief sought for in this revision petition is to set aside the order passed by the learned II Additional District Judge, Tiruvallur @



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Poonamallee. If this revision petition is allowed that will only set a wrong precedent that the Tribunal has got power to set aside the Lok Adalat award. Instead of challenging the Award, this Civil Revision Petition has been preferred challenging the order of the learned trial Judge/Presiding Officer of the Tribunal made in I.A.No.976 of 2018. Since the learned Presiding Officer of the Tribunal has rightly held that the Award cannot be set aside by the tribunal in view of its binding nature as contemplated under Section 22(E) of the Legal Services Authorities Act, 1987. Hence I do not find any factual or legal infirmity which calls for interference.

6.Accordingly, this Civil Revision Petition is dismissed and the order of the learned II Additional District Judge, Tiruvallur @ Poonamallee dated 30.01.2019 made in I.A.No.976 of 2018 in M.C.O.P.No.256 of 2016, is hereby confirmed. However it is open to the revision petitioner to challenge the Award of the Lok Adalat in a manner known to law, if so advise. No costs. Consequently, connected Miscellaneous Petition is closed.



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Index:Yes No

Speaking Order:Yes/No

To

- 1.The II Additional District Judge,
Tiruvallur @ Poonamallee.
- 2.The Section Officer,
VR Section, Madras High Court,
Chennai.

R.N.MANJULA,J.

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