

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10002 OF 2019

Sudhir Shankarrao Kuptekar

.. Petitioner

Versus

The Branch Manager,
Bank of Maharashtra and others

.. Respondents

Mr. V. V. Bhavthankar, Advocate for the Petitioner.

Mr. Shah, Advocate h/f Mr. V. R. Patil, Advocate for Respondent Nos. 1 to 3.

WITH

WRIT PETITION NO. 13924 OF 2019

The Branch Manager,
Bank of Maharashtra,
Through its Branch Manager and others

.. Petitioners

Versus

Sudhir Shankarrao Kuptekar

.. Respondent

Mr. Jayant Shah, Advocate h/f Mr. V. R. Patil, Advocate the Petitioners.
Mr. V. V. Bhavthankar, Advocate for Respondent.

CORAM : KISHORE C. SANT, J.

DATED : 20th JULY, 2023.

P. C. :-

1. Heard.

2. Both these petitions are filed challenging the same judgment and order. The Writ Petition No. 10002/2019 is filed by the beneficiary of

the schemes namely Pradhan Mantri Suraksha Vima Yojana and Pradhan Mantri Jeevan Jyoti Yojana whereas, Writ Petition No. 13924/2019 is filed by the Branch Manager, Bank of Maharashtra and its Chairman. The petitioners are respondents in each others case. The judgment is passed by the permanent Lok Adalat, Aurangabad and award is passed in absence of the bank by way of adjudication. The submission of both the learned advocates is that, under the scheme of permanent Lok Adalat it is only in case of settlement between the parties an award can be passed. The permanent Lok Adalat does not have the adjudicatory powers.

3. Learned advocate Mr. Shah relied upon the judgment of the Hon'ble Apex Court in the case of Canara Bank Vs. G. S. Jayarama reported in (2022) 7 SCC 776. The Hon'ble Apex Court has considered the provisions of Section 22-C (a) and 22-D of the Legal Services Authorities Act, 1987. It is specifically held in paragraph No. 36 that, the permanent Lok Adalat does not have the adjudicatory powers in absence of party. The permanent Lok Adalat can pass the order only when the party does not respond in a sufficient period of time. Under the scheme of Section 22-D the permanent Lok Adalat has to once again inform the party absent of its decision to adjudicate the decision on its merits. If the party is absent, then permanent Lok

Adalat has to follow the procedure as contemplated under Section 22-C(7).

4. Coming to the judgment impugned in this petition it is seen that, the permanent Lok Adalat, Aurangabad has passed the award on 12.04.2019 by adjudicating upon the merits. There is no discussion seen as to whether sufficient opportunity was given to the bank. By way of award the application of the petitioner in Writ Petition No. 10002/2019 is partly allowed. The bank is directed to pay Rs. 2,00,000/- to the applicant along with interest at the rate of 9% per annum from the date of application till realization of the order. The petitioner in Writ Petition No. 10002/2019 is aggrieved to the extent of not granting benefits under Pradhan Mantri Jeevan Jyoti Yojana whereas, the petitioner-bank is aggrieved by the award itself.

5. Thus, considering this position, the impugned award is set aside. The matter is remanded to the permanent Lok Adalat, Aurangabad for deciding/passing fresh award by following procedure as prescribed under Section 22-B and 22-C of the Legal Services Authorities Act, 1987. The petitioner in Writ Petition No. 13924/2019 is permitted to file written statement.

6. Needless to state that, further procedure shall be followed as per the law. The permanent Lok Adalat is expected to decide the matter as

far as possible within a period of six (06) months from today.

7. With this, both the writ petitions stand disposed off with no order as to costs.

(KISHORE C. SANT, J.)

P.S.B.