

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

122

CWP-6496-2023
Date of Decision: 26.04.2023

RESHAM

... Petitioner

VERSUS

MED SINGH AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Himanshu Sharma, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for raising challenge to the order dated 24.08.2022 (Annexure P-8) passed by the learned District Judge-cum-Presiding Officer, Daily Lok Adalat, Rewari in Civil Appeal No.32 of 2020 vide which the appeal filed by the petitioner against the contesting respondents was dismissed as withdrawn on the statement of the counsel for the petitioner-appellant.

The abovesaid statement made by the counsel for the petitioner in appeal has been appended by the petitioner as Annexure P-9 alongwith the present petition. It is evident from the perusal of the said statement that the same has been made before regular Court of District Judge and not before the Daily Lok Adalat. Apparently, it was on the statement made by the counsel for the petitioner-appellant before the District Judge that the matter was thereafter taken up in the Daily Lok Adalat on the same day and the appeal was permitted to be withdrawn in view of the statement.

Learned counsel has raised a challenge only to the final order dated 24.08.2022 which was passed in the Daily Lok Adalat without raising a challenge

to the statement made by the counsel for the appellant-petitioner before the regular Court of District Judge. In the absence of challenge and/or withdrawal of the aforesaid statement made by the counsel before the regular Court, the Award alone, which is based upon such statement, cannot be challenged in the writ petition since the order is consequential.

Further, on a pointed query raised to the counsel for the petitioner as to whether any proceedings had been initiated against the counsel for allegedly having made a statement for withdrawing the appeal without any authorization, he contends that no such action has been taken by the petitioner. It was further posed to the petitioner as to whether a statement for seeking withdrawal of the appeal could have been made by the counsel in exercise of the authority vested in him as per the Power of Attorney executed in his favour, he fails to refer to any law or to the Power of Attorney to buttress his statement that the withdrawal of appeal could not have been done by the counsel.

Under the given circumstances, I find no reason to interfere with the order that was passed on 24.08.2022 by the Daily Lok Adalat relying on the statement recorded before the regular Court.

The present petition is accordingly, dismissed.

Needless to mention that dismissal of the present petition shall not be a bar against the petitioner to take recourse to his remedies in accordance with law against the statement so made before the regular Court for redressal of his grievances.

26.04.2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No