

**IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH**

248

CWP-13130-2021

Date of Decision: 24.08.2023

DARCL LOGISTICS LTD.

... Petitioner

VERSUS

UNITED INDIA INSURANCE COMPANY LTD.

... Respondents

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

Present: Mr. Dinesh Maurya, Advocate
for the petitioner.

Mr. Paul S. Saini, Advocate
for the respondent-Insurance Company.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been filed for seeking quashing of the order dated 14.01.2021 passed by Permanent Lok Adalat (Public Utility Services), Karnal (Annexure P-6) vide which the Application of the petitioner (Annexure P-5) for seeking dismissing of Application (Annexure P-3) of the respondent was dismissed.

The grievance espoused by the petitioner, which is a public limited company is that one M/s Dunar Foods Ltd., District Karnal had entrusted their rice to the petitioner for transporting the same from Indri to Hyderabad vide GR dated 29.06.2014. The consignment was transported in a truck bearing Registration No.HR-38N-0722. At the time of delivery, 267 bags of rice of the said consignment were found to be damaged. The consignment being insured with the respondent-Insurance Company, a claim

was filed by M/s Dunar Foods Ltd. in respect of the said loss. The same was settled by the respondent with the consigners for a sum of Rs. 4,86,188/-. Thereafter, upon obtaining the letter of subjugation and special power of attorney from the consigner, the respondent-Insurance Company preferred an application under Section 22-C of the Legal Services Authority Act, 1987. An application for dismissal of the said Application was filed by the petitioner. The said application (Annexure P-5) was dismissed by the Permanent Lok Adalat (Public Utility Services), Karnal vide order dated 14.01.2021.

The application for seeking dismissal of the complaint/application under Section 22-C of the Legal Services Authorities Act, 1987 had been filed on the ground that there was no negligence on the part of the respondent and that the dispute is required to be resolved after leading evidence and cross-examination of the witnesses and that the jurisdiction to decide the same under Section 22-C(8) of the Legal Services Authorities Act, 1987 would not be available. Reliance was placed on the judgment of this Court passed in the matter of “**Reliance General Insurance Company Ltd. Vs. Vijay Kumar and another**” reported as **(2014) 2 ILR P&H 510**. It was noticed by the Permanent Lok Adalat (Public Utility Services), Karnal that the abovesaid judgment would not be applicable to the facts of the case in hand since the question involved in the said case was in relation to bogus claim involving fraud, whereas the said aspect did not arise in the present case, which was based entirely on documentary evidence. Accordingly, the matter was fixed for proceeding further under Section 22-C(4)(2) and Section 22-C(7) of the Legal Services Authorities Act, 1987 before adjudication under Section 22-C(8) of the Legal Services Authorities Act, 1987.

Counsel for the petitioner has placed reliance on the judgment of the Hon'ble Supreme Court dated 07.10.2021 passed in the matter of "**Estate Officer Vs. Colonel H.V. Mankotia (Retired)**" bearing **Civil Appeal No.6223 of 2021** to contend that the Lok Adalat has no jurisdiction to adjudicate the dispute and that it can only examine the issues where a settlement has been entered into between the parties.

I have heard the learned counsel for the respective parties and have also gone through the documents appended alongwith the present petition with their able assistance.

The judgment of the Hon'ble Supreme Court relied upon by learned counsel for the petitioner herein is not applicable to the facts of the present case as the same relates to Section 19 of the Legal Services Authorities Act, 1987 and does not pertain to Chapter VI of the Legal Services Authorities Act, 1987 which stipulated constitution of Permanent Lok Adalat (Public Utility Services) and that the Permanent Lok Adalats (Public Utility Services) are authorized under Section 22-C(8) of the Legal Services Authorities Act, 1987 to adjudicate upon a lis brought before them.

Even otherwise, the plea raised by the petitioner herein is a plea of defence, which is required to be considered by the Permanent Lok Adalat (Public Utility Services) at an appropriate stage. Hence, I find that there is no illegality, perversity, impropriety or misappreciation of evidence as well as documents brought before the Permanent Lok Adalat (Public Utility Services), Karnal.

Accordingly, the present petition is dismissed.

Liberty is, however granted to the petitioner to take all pleas that are available to him, before the Permanent Lok Adalat (Public Utility Services), Karnal at an appropriate stage.

AUGUST 24, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No