



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102+203

Date of Decision: 12.08.2024

1. CWP-531-2024(O&M)

SKY ROCK CITY WELFARE SOCIETY AND ANOTHER

...Petitioner(s)

Versus

PERMANENT LOK ADALAT AND ANOTHER

...Respondent(s)

2. CWP-613-2024(O&M)

SKY ROCK CITY WELFARE SOCIETY AND ANOTHER

...Petitioner(s)

Versus

PERMANENT LOK ADALAT AND ANOTHER

...Respondent(s)

3. CWP-601-2024 (O&M)

SKY ROCK CITY WELFARE SOCIETY AND ANOTHER

...Petitioner(s)

Versus

PERMANENT LOK ADALAT AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. G. B. S. Dhillon, Advocate
for the petitioner(s).

Mr. Akshit Chaudhary, Advocate
for respondent No.2.

TRIBHUVAN DAHIYA, J. (Oral)

These petitions are based upon similar facts involving common
issues, accordingly, the same are being decided together. For brevity, the facts
have been taken from CWP No.531 of 2024.



2. The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the order dated 21.11.2022, Annexure P-2, whereby request by the petitioner's counsel to file reply was declined; as also the order dated 23.11.2023, Annexure P-4, whereby the application for recalling the order dated 21.11.2022, has been dismissed by the Permanent Lok Adalat, SAS Nagar, Mohali, in Application No.548 of 2019 filed under Section 22-C of the Legal Services Authority Act, 1987.

3. Learned counsel for the petitioner contends that petitioner no.2 is president of the Sky Rock City Welfare Society/petitioner no.1, wherein the second respondent has applied for allotment of a plot. On account of the Society's failure to handover the possession of plot, the matter went before the Permanent Lok Adalat for settlement under Section 22-C of Legal Services Authority Act, 1987, vide the aforementioned Application filed by the second respondent/applicant against the petitioners (respondents therein). During the proceedings, their request for filing reply to the Application was declined, vide impugned order dated 21.11.2022, and the case was adjourned for recording evidence by the Applicant on 19.01.2023. The application for recalling the order, dated 28.09.2023, Annexure P-3, was also declined, vide impugned order dated 23.11.2023, without appreciating facts of the petitioners' case. In fact, the only reason reply could not be filed was, petitioner no.2 had been in custody since 2017, and was unable to access the documents required for the purpose. Accordingly, one more opportunity for filing the reply needs to be afforded to him which has been wrongly declined.

4. Learned counsel for the second respondent, on the contrary, contends that the case was instituted before the Permanent Lok Adalat on



-3-

25.07.2019, and numerous opportunities were given to the petitioner (respondent therein) to file the reply, which he failed to do without any sufficient reason. He was being represented by his counsel before the Lok Adalat, and there was no reason for not filing the reply and/or contesting the proceedings. It is further contended that all the relevant facts of the case, as well as number of opportunities granted for filing the reply, have been duly considered by the Lok Adalat before declining the request, vide impugned order dated 23.11.2023, which needs to be upheld.

5. Heard.

6. It is apparent on record that proceedings before the Permanent Lok Adalat were initiated by the second respondent (Applicant therein) seeking physical possession of his plot and execute conveyance deed in her favour; or, in the alternative, refund the amount with interest from the date of default till realisation. The case continued for about four years and during the proceedings adequate opportunities were granted to the parties to complete pleadings and present/defend their case, by following the due procedure. The petitioners failed to file reply despite several opportunities, including last opportunity, leading to passing of the impugned order declining their request for another adjournment for the purpose. Thereafter, entire evidence of the second respondent (applicant) was recorded in the presence of petitioner's counsel, and the case was adjourned to 24.08.2023 for serving terms of settlement. On request of counsel for both the parties, it was kept for exploring chances of compromise; the petitioner was produced by Jail Authorities for this purpose on 08.09.2023, and again on 28.09.2023, but no settlement could be arrived at. Thereupon, the application, dated 28.09.2023,



-4-

was filed on the petitioners' behalf, seeking recalling of the impugned order dated 21.11.2022, which was declined vide the second impugned order.

7. A perusal of the impugned order dated 23.11.2023, shows that all the relevant facts and circumstances of the case, including the opportunities granted for filing reply, conduct of the petitioner, stage of the proceedings, etc., have been duly considered by the Lok Adalat. The order reads as under:

7. Perusal of the file shows that petitioners Sh. T.S. Sidhu has filed a petition u/s 22-C LSA on 01.08.2019 and notice was issued to the respondent from time to time. respondent Navjeet Singh appeared in the Court on 22.10.2019 and his signature has been taken on the zimni order and the case was adjourned to 9.1.2020. But he did not appear on the next date and again case was adjourned to 26.2.2020 and his counsel Sh. P.S. Walia Advocate appeared on the said date and case was adjourned to 01.4.2020. Then, lockdown period due to Covid started and case was adjourned from time to time. Ultimately, proceedings were resumed on 30.9.2021 and counsel for the respondent Sh. P.S. Walia appeared and case was adjourned to 15.11.2021 for the purpose already fixed. On the said date, none has appeared on behalf of the respondent and production warrants of the respondent/applicant have been issued for 22.12.2021. On the said date, his counsel Sh. P.S. Walia again appeared and case was adjourned to 21.2.2022 for filing the reply. On the next date, neither respondent appeared nor his counsel appeared and was adjourned to 09.05.2022, but no reply has been filed and case



was adjourned to 26.7.2022 for filing the reply. Again neither respondent appeared nor his counsel appeared and case was adjourned to 22.9.2022 for filing reply, but again neither respondent appeared nor his counsel and then, Ld. Court passed an order on 21.11.2022 to proceed the case further and request for the counsel respondent for filing reply was declined. Then evidence of the applicant started and case was adjourned to 19.1.2023 and 29.3.2023 for the evidence of the petitioner.

8. On 29.3.2023, applicant/respondent again appeared through another counsel Sh. Vishavjit Singh Advocate and case was fixed for evidence of the applicant as no application has filed by the respondent/ applicant for setting aside exparte proceeding or made any request for filing the reply. evidence of the petitioner was recorded on 5.7.2023 in the presence of the respondent/ applicant and petitioner closed his evidence and case was adjourned to 24.8.2023 for serving terms of settlement. On the said date, at the request of the counsels of the parties, case was adjourned to 31.8.2023 for compromise. On 31.8.2023, respondent was not produced by the jail authorities and matter was again adjourned to 8.9.2023 for compromise. On 8.9.2023, respondent refused to compromise the matter, but at the request of counsel for the respondent another date for compromise was granted on 28.9.2023. When compromise was not effected, then his counsel moved an application for setting aside exparte proceedings on 28.09.2023. Therefore, allegations of the counsel



-6-

for the respondent that no opportunity to file the reply has been given by the court to the applicant/ respondent, are totally false. Many opportunities have been granted to the respondent, but he did not file the reply though his counsel was appearing and he was produced before the court personally through production warrants. Even his present counsel started appearing in March, 2023, but did not file any application till 28.9.2023. Respondent applicant is a president of the society in which petitioner Col. T.S. Sidhu booked a plot and paid Rs. 18,15,000/-, but neither the respondent applicant get the sale deed registered in his favour nor returned his money till date and has not placed on record any documents of the society though the record lies with her. Above said findings shows, applicant/respondent was playing hide and seek and was never serious to pursue the case and just wanted to delay the proceedings as much as he could.

8. The facts recorded in the impugned order are not in dispute. Apparently, the petitioner, who was being represented by a counsel, was afforded adequate opportunities to file reply to the Application, but he failed to do so for no justifiable reason. After declining the prayer for more time to file reply vide impugned order, dated 21.11.2022, entire evidence of the second respondent (applicant therein) was recorded; this was done in the presence of petitioner's counsel. Before recording of evidence, the petitioner never sought the opportunity to file reply as is being sought now, nor did he express any hardship about not getting the relevant documents to file reply.

Not only that, after closure of the respondent/applicant's evidence, he



willingly joined the compromise proceedings as well, which remained unsuccessful. At that stage, sensing an adverse order after failure of the compromise proceedings on 28.9.2023, the petitioner filed the application seeking recalling of the earlier order, dated 21.11.2022, and another opportunity to file reply. This is clearly an abuse of the process of law, and an afterthought; it is a *mala fide* attempt to buy time and prevent the Lok Adalat from concluding the proceedings which cannot be permitted. Besides, there is no infirmity or error of law in the impugned orders passed by the Permanent Lok Adalat. Accordingly, this Court is not inclined to interfere in the matter.

- 9. All the petitions stand dismissed.
- 10. Pending miscellaneous application(s), if any, shall also stand(s) disposed of as having been rendered infructuous.
- 11. A photocopy of this order be placed on the connected files.

(TRIBHUVAN DAHIYA)
JUDGE

12.08.2024
Ad

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