

2024:PHHC:138477



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

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**CWP-23750-2021 (O&M).
Date of Decision: 22.10.2024.**

DHARAMBIR AND OTHERS

... Petitioner(s)

Versus

**PRESIDING OFFICER, NATIONAL LOK ADALAT-CUM-MOTOR
ACCIDENT CLAIMS TRIBUNAL, PANIPAT AND OTHERS**

... Respondent(s)

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

Present: Mr. Rajesh Goyal, Advocate,
for the petitioner.

Mr. Shivam Malik, Advocate,
for respondent No.2.

Respondent No.3 deleted vide order dated 29.09.2022.

Mr. Sanjeev Kodan, Advocate,
for respondent No.4.

VINOD S. BHARDWAJ, J)ORAL).

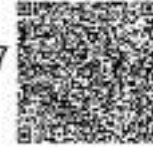
1. Challenge in the present petition is to the impugned order dated 08.02.2020 (Annexure P-3) passed by the Presiding Officer, National Lok Adalat-cum-Motor Accident Claims Tribunal, Panipat, while deciding the claim petition preferred by the petitioner.

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2. Learned counsel appearing for the petitioner contends that the son of the petitioner received serious injuries in an accident that took place on 08.07.2018 and he died during the treatment on 20.07.2018. An FIR No.816 dated 09.07.2018, under Sections 279 and 337 of the Indian Penal Code, 1860, was registered at Police Station Israna, District Panipat. He submits that a claim petition was filed by the petitioner herein before the Motor Accident Claims Tribunal, Panipat, by engaging Sh. Bijender Singh, Advocate on 20.09.2018. He submits that the petitioner was not satisfied with the said counsel and resultantly the counsel was changed on 12.09.2019 and Sh. Devender Rana, Advocate and Sh. Ravi Ghangas, Advocate, were engaged and a power of attorney was also filed by the newly engaged counsel. The issues were framed and thereafter the matter was adjourned to 16.01.2020. On 16.01.2020 one witness was examined and the matter was adjourned to 03.03.2020. He contends that notwithstanding that Sh. Bijender Singh, Advocate, was no more engaged by the petitioner to represent him in the said case, however, he entered into settlement and the matter was disposed of vide order dated 08.02.2020 passed by the Presiding Officer, National Lok Adalat-cum-Motor Accident Claims Tribunal, Panipat awarding a compensation of Rs.5,50,000/-. He contends that the aforesaid award passed by the National Lok Adalat was on the statement of the Advocate who had already been superseded by another Advocate and had no further authority to represent the petitioner herein. He further submits that the petitioner has not even withdrawn the said amount

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of compensation and the same is lying with the respondents themselves, which shows that the settlement in question was never accepted by the petitioner.

3. Learned counsel appearing for the respondents have opposed the prayer made by the petitioner by contending that power of attorney in favour of Sh. Bijender Singh, Advocate had not been withdrawn and that no proceedings have been initiated against the said misconduct of said Sh. Bijender Singh, Advocate, having not been retained by the petitioner to defend him in the ongoing case. They further contend that as a result of non-withdrawal of the power of attorney from Sh. Bijender Singh, Advocate and in the absence of no objection certificate from the erstwhile counsel, the power of attorney remains valid on record and he had every right to enter into a settlement. It is, however, not disputed that the amount of Rs.5,50,000/- as awarded by the National Lok Adalat-cum-Motor Accident Claims Tribunal, Panipat vide order dated 08.02.2020 has not been withdrawn and the same is still with the respondents. They contend that it was on account of the instructions issued by the petitioner himself to different Advocates that the aforesaid confusion has erupted and that the equities ought to be balanced by imposing cost upon the petitioner.

4. Having heard the learned counsel appearing on behalf of the respective parties and taking into consideration the circumstances including the power of attorney having been filed in favour of the subsequent counsel representing the petitioner and the compensation allegedly agreed to having

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not been received by the petitioner, I feel that a mere failure on the part of the petitioner at this juncture not to initiate any proceedings against the former counsel should not stand in the way of the petitioner claiming a substantive relief. The inconvenience caused to the respondents can be duly compensated by awarding a suitable monetary compensation in their favour.

5. The present writ petition is accordingly allowed subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the District Legal Services Authority, Panipat. The order dated 08.02.2020 (Annexure P-3) passed by the Presiding Officer, National Lok Adalat-cum-Motor Accident Claims Tribunal, Panipat, is set aside. The parties are directed to appear before the Motor Accident Claims Tribunal, Panipat, on 18.11.2024 whereupon further proceedings in accordance with law shall be initiated in the said claim petition.

October 22, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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