

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CM-2611-CWP-2024
in/and
CWP-29327-2023
Date of decision: 19.02.2024

ICICI LOMBARD GENERAL INSURANCE COMPANY LTD.

.....Petitioner

VERSUS

PERMANENET LOK ADALAT (PUBLIC UTILITY) CHANDIGARH
AND ANOTHER

.....Respondents

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

Present:- None.

VINOD S. BHARDWAJ, J. (Oral)

CM-2611-CWP-2024

The instant application has been filed for seeking pre-ponement of the above said writ petition and to render the same infructuous in view of the affidavit filed by the respondent No.-2- contesting respondent before this Court.

In light of the said application supported by affidavit of respondent No.2, the present application is allowed. The hearing in the main case is pre-poned from 30.05.2024 and the same is taken up on Board today itself.

CWP-29327-2023

The instant writ petition had been filed for seeking quashing and setting aside of the order passed by the Permanent Lok

Adalat (Public Utility Services), Chandigarh in execution application titled ***“Deepali Aggarwal versus ICICI Lombard General Insurance Company Ltd.”*** dated 19.05.2023 and dated 28.11.2023 in case No. 01/22 and all ancillary proceedings arising therefrom.

The matter was taken up on 22.12.2023 when the following order was passed:-

“Learned counsel appearing on behalf of the petitioners-Insurance Company, inter alia, contends that the Permanent Lok Adalat (Public Utility Services), Chandigarh, has initiated execution proceedings notwithstanding that the provision to the contrary exists, as per which the award passed by the Permanent Lok Adalat (Public Utility Services) is to be executed as a decree of the Civil Court. He contends that the Permanent Lok Adalat (Public Utility Services), Chandigarh, has exercised a jurisdiction on the basis of an administrative letter received from the Member Secretary which can neither be termed as a judicial pronouncement nor a binding precedent.

Notice of motion returnable for 30.05.2024.

Notice re: stay as well.

Meanwhile, operation of the impugned order dated 19.05.2023 (Annexure P-3) passed by the Permanent Lok Adalat (Public Utility Services), Chandigarh, shall remain stayed till the next date of hearing.”

The contention of the petitioner primarily was that the execution proceedings could not have been instituted or initiated on the basis of letter issued by the Member Secretary.

Pursuant to the notice issued, CM-2611-CWP-2024 has

been filed on behalf of respondent No.2 wherein she has stated, duly supported by an affidavit, that the present writ petition may be allowed and that she has no objection to the same. It is contended that she may be permitted to move an appropriate application/execution proceedings before the competent Court.

In view of the aforesaid application supported by an affidavit of respondent No.2, the grievance of the petitioner stands redressed and the present writ petition has been rendered infructuous. The writ petition is accordingly allowed. The proceedings in the Execution Application No. 01 of 2022 before the Chairman of the Permanent Lok Adalat (Public Utility Services) are set aside. The petitioner may, if so advised, prefer an execution application before a competent Court in accordance with law.

Needless to mention that in the event of any such execution application filed before the competent Court, an appropriate decision shall be taken by the competent authority.

**(VINOD S. BHARDWAJ)
JUDGE**

FEBRUARY 19, 2024

Vishal sharma

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