

(2018) 03 CHH CK 0026
In the Chhattisgarh High Court
Case No : WP227 No. 890 of 2012

LIFE INSURANCE CORPORATION OF INDIA

APPELLANT

Vs

MOHAN CHANDRA MUKHARJEE

RESPONDENT

Date of Decision : 09-03-2018

Acts Referred:

Legal Services Authorities Act, 1987 — Section 22E

Citation : (2018) 03 CHH CK 0026

Hon'ble Judges : B. RADHAKRISHNAN

Bench : Single Bench

Final Decision : Dismissed

Judgement

1. This writ petition under Article 227 of the Constitution of India filed by the Life Insurance Corporation of India challenging an award passed by the

Permanent Lok Adalat.

2. The challenge levied to the impugned award, as reflected from the ground as enumerated in paragraph 9.1 to 9.4 of the writ petition, clearly show

that the challenge raised is against the quantum of award on the plea that it is disproportionate and the assessment of the claim has been erroneously

done. The jurisdiction of the Permanent Lok Adalat to deal with the matter is not under challenge.

3. In terms of Section 22E of the Legal Services Authorities Act, 1987 every award of the Permanent Lok Adalat under that Act shall be final and

binding on all the parties thereto and on persons claiming under them. Such an award is deemed to be a decree of a Civil Court and shall not be called

in question in any original civil application or execution proceedings. Therefore, the said statutory provision as to the finality of the award of Permanent

Lok Adalat will have to be borne in mind, even while deciding application under Article 227 of the Constitution of India.

4. It is the settled position of law that except in certain exceptional cases of gross perversity, when the jurisdiction of Tribunal or the constitution of

Permanent Lok Adalat is not under challenge, the supervisory jurisdiction under Article 227 of the Constitution of India ought not to be extended to sit

in judicial review on such matters. For support, see the judgment of this Court dated 05.12.2017 passed in WP (227) No.448 of 2012 {Bajaj Allianz

Life Insurance Company Limited Vs. Dr. Manisha Goyal}.

5. For the aforesaid reasons, on due examination the impugned order, no ground is found for interference under Article 227 of the Constitution of

India. Therefore, this writ petition fails.

6. In the result, this petition under Article 227 of the Constitution of India is dismissed with costs fixed at Rs. 25,000/-. Appellant is directed to pay the

Respondent such costs within one month from today.