

(2014) 01 CHH CK 0013
In the Chhattisgarh High Court
Case No : W.P. (227) No. 843 of 2009

National Insurance Company Ltd.

APPELLANT

Vs

Public Utility Permanent Lok Adalat

RESPONDENT

Date of Decision : 31-01-2014

Acts Referred:

Citation : (2014) 2 ACC 733 : (2015) ACJ 1486

Hon'ble Judges : Manindra Mohan Shrivastava, J

Bench : Single Bench

Advocate : Raj Awasthi and Anand Gupta, Advocate for the Appellant; A.V. Shridhar, Advocate and Vimlesh Bajpai, Advocate for the Respondent

Final Decision : Allowed

Judgement

Manindra Mohan Shrivastava, J.

1. Heard. Learned Counsel for the petitioner submits that the impugned award dated 12th November, 2008 (Annexure P-1) passed by the Permanent Lok Adalat, Bilaspur, is without jurisdiction and authority of law. He submits that the issue with regard to competence and jurisdiction of Permanent Lok Adalat to decide such issue, as has been done in the present case, has been decided by this Court in the case of Bajaj Allianz General Insurance Co. Ltd. Vs. Dasru Patel and Others. In that case, it has been held that the Permanent Lok Adalats do not have jurisdiction to adjudicate the dispute arising out of motor accident claim case and such dispute can be adjudicated only by the Motor Accident Claims Tribunal constituted under the law.

2. Learned Counsel for the respondent-claimant could not distinguish the aforesaid decision nor any other judgment of the Supreme Court has been placed before this Court wherein the jurisdiction and competence of Permanent Lok Adalat to adjudicate the claimant's dispute has been upheld.

3. In view of the above, in the opinion of this Court, the issue raised in this petition is squarely covered by the judgment of this Court in the case of Bajaj

Allianz (supra). In that view of the matter, the impugned award dated 12th November, 2008 (Annexure P-1) is declared illegal and set aside. However, respondent-claimant would be at liberty to raise his claim before the Motor Accident Claims Tribunal under the provision of Motor Vehicles Act, 1988.

The petition is accordingly allowed.