
(2008) 09 GAU CK 0070
In the Gauhati High Court

Pu Lalkanglova Sailo

APPELLANT

Vs

Pi Ngurthantluangi Sailo

RESPONDENT

Date of Decision : 10-09-2008

Acts Referred:

Legal Services Authorities Act, 1987 — Section 19, 20, 21, 22, 22C

Citation : AIR 2009 Guw 39 : (2009) 2 GLR 516

Hon'ble Judges : H. Baruah, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

H. Baruah, J.—Heard Mr. P.C. Prusty, learned Counsel for the petitioner and Mrs. Helen Dawngliani, learned Counsel for the sole respondent.

2. Order dated 30-7-2007 passed by Permanent Lok Adalat, Aizawl, Mizoram is the subject matter of challenge under this revision. Before bringing the dispute to a Court of Law, the permanent Lok Adalat put the dispute in conciliation, after receipt of the version of the petitioner on three occasions. The dispute could not be resolved/settled between the respondent and the petitioner herein and the Permanent Lok Adalat, therefore, by resorting to the provisions of Chapter VIA of Legal Services Authorities Act, 1987 decided the dispute between the parties as reflected in the impugned order.

3. Being aggrieved thereby the petitioner approached this Court to set aside and quashed the order passed by the Permanent Lok Adalat.

4. Mr. P.C. Prusty, learned Counsel for the petitioner at the very outset of his argument criticizes the order that it is illegal on the part of the Permanent Lok Adalat to pass such an order without any amicable settlement of the dispute between the parties, which according to him is contrary to law. Mr. Prusty in support of his contention relied in the decision of the case between State of Punjab and Others Vs. Phulan Rani and Another, and State of Punjab and Another Vs. Jalour Singh and Others, .

5. In the case between the State of Punjab and Others Vs. Phulan Rani and Another, the Supreme Court held that a Lok Adalat cannot dispose of a dispute between the parties unless the dispute is compromised or settled. Since the dispute between the respondent and the petitioner could not be settled, according to Mr. Prusty, the permanent Lok Adalat overrides its jurisdiction in settling the matter by its own vide impugned order.

6. In the case between the State of Punjab and Another Vs. Jalour Singh and Others, , the Hon"ble Supreme Court in para of the judgment held as under:

8. It is evident from the said provisions that the Lok Adalat have no adjudicatory or judicial functions. Their functions relate purely to conciliation. A Lok Adalat determines a reference on the basis of a compromise or settlement between the parties at its instance, and puts its seal of confirmation by making an award in terms of the compromise or settlement. When the Lok Adalat is not able to arrive at a settlement or compromise, no award is made and the case record is returned to the Court from which the reference was received, for disposal, in accordance with law. No Lok Adalat has the power to "hear" parties to adjudicate cases as a Court does. It discusses the subject-matter with the parties and persuades them to arrive at a just settlement. In their conciliatory role, the Lok Adalat are guided by the principles of justice, equity and fair play. When the LSA Act refers to "determination" by the Lok Adalat and "award" by the Lok Adalat, the said Act does not contemplate nor require an adjudicatory determination based on a compromise or settlement, arrived at by the parties, with guidance and assistance from the Lok Adalat. The "award" of the Lok Adalat does not mean any independent verdict or option arrived at by the decision-making process. The making of the award is merely an administrative act of incorporating the terms of settlement or compromise agreed by parties in the presence of the Lok Adalat, in the form of an executable order under the signature and seal of the Lok Adalat.

7. Chapter VI of the Legal Services Authorities Act, 1987 deals with the subject of Lok Adalats. In this chapter jurisdiction, power and function of Lok Adalats have been provided. Sections 19, 20, 21 and 22 deal with the subject of organization of Lok Adalats; Cognizance of cases by Lok Adalats. Award of Lok Adalat, and Powers of Lok Adalats. This chapter is applicable to post litigation conciliation and settlement while Chapter VIA relates to pre litigation conciliation and settlement that means settlement of dispute before the dispute is brought before any Court.

8. The case at our hands is a pre litigation conciliation which arose out of an application made by the respondent herein. Section 22C deals with the subject of cognizance of cases by permanent Lok Adalat. While Section 22D and 22E deals with the subject of procedure of Permanent Lok Adalat and award of Permanent Lok Adalat to be final respectively! Section 22C speaks for that any party to a dispute may before the dispute is brought before any Court, make an application to the Permanent Lok Adalat for settlement of dispute. The dispute herein¹ as

projected was, placed: before the Permanent Lok Adalat for settlement by respondent by, an application but, the same could not be settled between the parties even after conciliation held on various occasions. Therefore, the Permanent Lok Adalat by re-sorting to provision of Sub-section (8) of Section 22C decided the dispute between the parties as incorporated in the impugned order. Jurisdiction has been given to Permanent Lot Adalat to decide the dispute between the parties by virtue of Sub-section (8) of Section 22C of the Act where the parties failed to reach an agreement under Sub-section (7) of the Section. The authorities as relied on by Mr. Prusty do not have any, application to our present case. Since the entire matter, relates to pre litigation conciliation and settlement, the Permanent Lok Adalat, when the parties failed to reach a settlement or agreement has got a jurisdiction to decide the dispute per provision of Sub-section (8) of Section 22C.

9. It is apparent from the impugned order that even after conciliation, the parties failed to reach an amicable settlement and, therefore, the Permanent, to Adalat decided the dispute per provisions of Sub-section (8) of Section 22C.

10. Mrs. Helen Dawngliani, learned Counsel for the respondent submits that since the dispute was referred or placed before a Permanent Lok Adalat for settlement before putting the matter in a Court of Law, decision of the dispute as incorporated in the impugned order can offend the provision of Sub-section (8) of Section 22C. The Permanent Lok Adalat, therefore, has not committed any error and illegality in deciding the dispute between the parties per terms of the order.

Having meticulously considered the provisions of the law on the subject, this Court does not find any plausible ground to interfere with the impugned order. This revision accordingly fails.