
(2012) 11 JH CK 0117
In the Jharkhand High Court
Case No : WP (C) No. 334 of 2008

Sardar Kulkeep Singh

APPELLANT

Vs

The New India Assurance Co. Ltd. and Others

RESPONDENT

Date of Decision : 23-11-2012

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2013) 3 JLJR 505

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Manish Mishra and Shresth Gautam, for the Appellant; Manish Kumar, for the Respondent

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. The petitioner is the beneficiary of the order and award of the Permanent Lok Adalat, Jamshedpur in PLA Case No. 84 of 2007 passed on 31.8.2007 and 11.9.2007 respectively (Annexure-8). By the said award, Rs. 3,00,000/- was awarded in lieu of the claim for damages of the vehicle, which met with an accident and was insured with the respondent-insurance company. Parties appeared after notices in the Claim Case and as per the finding rendered by the Permanent Lok Adalat the Insurance Company avoided conciliation. The case was, thereafter, heard and decided on merit after allowing the petitioner to adduce the evidences in support of his claim. Learned counsel for the petitioner is aggrieved with the impugned award as instead of a sum of Rs. 4,58,948/- claimed by the petitioner, a sum of Rs. 3,00,000/- has been awarded as damages by the Permanent Lok Adalat. Learned counsel for the petitioner has taken this Court to the findings of the learned Permanent Lok Adalat in order to submit that the Insurance Company deliberately delayed pay the claim, which has been noticed by the Permanent Lok Adalat, despite that the entire claim amount has not been paid to the claimant/petitioner.

2. Respondent-Insurance Company has appeared and submitted that the

petitioner subjected himself to the jurisdiction of the Permanent Lok Adalat in Pre-Litigative case instead of the Consumer Forum and upon issuance of notice, Insurance Company participated in the proceeding and the case has been decided on merit against which no appeal is provided under the provision of Legal Services Authority Act. It is further submitted that the petitioner himself filed an Execution Petition before the concerned court in November, 2007 and the amount awarded has already been received by him. In the meantime, the writ petitioner has also assailed the award in the present writ petition, which cannot be interfered in the supervisory jurisdiction under Article 227 of the Constitution of India by this Court. I have heard learned counsel for the parties and from the perusal of the impugned award, it is apparent that the award in question was delivered on merit after dealing with the contention of the parties and evidences adduced on behalf of the petitioner. The findings of the Permanent Lok Adalat, having been arrived at after appreciation of the evidences and the petitioner has not been able to show any perversity in the said award. In exercise of supervisory jurisdiction, this Court is required to see whether the inferior Tribunal has gone beyond the bounds of its jurisdiction or committed serious error of jurisdiction or perversity. Moreover, the petitioner himself filed Execution Petition for claiming of damages awarded by the Permanent Lok Adalat, which has already been received by him. Under the provisions of Legal Services Authority Act, findings recorded on merit in an award rendered in the Permanent Lok Adalat becomes final. This Court is satisfied that no grounds have been made warranting interference with the impugned award. Accordingly, this writ petition is dismissed.