

Legal Services Authority Act, 1987, Section 22-C (I) - Jurisdiction - Claim raised for a sum Rs.17 lacs whereas the Permanent Lok Adalat under second proviso of Section 22-C (I) of the Legal Services Authority Act, 1987, did not have jurisdiction in the matters where value of the property in dispute exceeds ten lakh rupees - Relief granted for Rs. 4,17 lacs - Relief has not been granted beyond the jurisdiction vested in the Permanent Lok Adalat - Order upheld.

2017 PLRonline 0304

PUNJAB AND HARYANA HIGH COURT

Before: Justice M.M.S. Bedi.

S.B.I. GENERAL INSURANCE CO. LTD. - Petitioner

Versus

The PERMANENT LOK ADALAT FOR PUBLIC UTILITY (PUS) BHIWANI and anr. - Respondents

CWP-13058-2017

Legal Services Authority Act, 1987, Section 22-C (I) - Jurisdiction - Claim raised for a sum Rs.17 lacs whereas the Permanent Lok Adalat under second proviso of Section 22-C (I) of the Legal Services Authority Act, 1987, did not have jurisdiction in the matters where value of the property in dispute exceeds ten lakh rupees - Relief granted for Rs. 4,17 lacs - Relief has not been granted beyond the jurisdiction vested in the Permanent Lok Adalat - Order upheld.

Mr. H.P.S. Ghuman, for the petitioner.

M.M.S. BEDI, J (ORAL) - (02.06.2017) - Holding respondent No.2 entitled for the insurance claim of Rs.4,17,530/-, the Permanent Lok Adalat (Public Utility Services), Bhiwani has awarded compensation of Rs.1,34,915/- as the surveyor had assessed compensation to the tune of Rs.2,88,462/- only after deducting 10 percent, besides awarding interest at the rate of 9% per annum from the date of accident and litigation charge of Rs.3300/-.

2. I have heard learned counsel for the petitioner who has contended that application before the Permanent Lok Adalat (Public Utility Services), was not maintainable as the claim raised was for a sum of Rs.17,37,500/- whereas the Permanent Lok Adalat under second proviso of Section 22-C (I) of the Legal Services Authority Act, 1987, shall not have jurisdiction in the matters where value of the property in dispute exceeds ten lakh rupees and I am of the opinion that plea doubting the jurisdiction of the Permanent Lok Adalat, was not raised before it and the relief has not been granted beyond the jurisdiction vested in the Permanent Lok Adalat.

3. No ground is made out for interference.

4. However, I find substance in the contention of counsel for the petitioner that the interest has been permitted from the date of accident whereas the application was filed on 15.04.2015.

5. In case, said objection is raised before the executing Court, the executing Court will permit the interest w.e.f. 15.04.2015 instead of 30.05.2014.