

(2013) 10 P&H CK 0319

High Court Of Punjab And Haryana At Chandigarh

Case No: Case No. C.R. No. 6275 of 2013

Pinki and others

APPELLANT

Vs

Jagbir and others

RESPONDENT

Date of Decision: Oct. 11, 2013

Hon'ble Judges: L.N. Mittal, J

Bench: Single Bench

Advocate: Jarnail Singh Saneta, for the Appellant;

Final Decision: Dismissed

Judgement

L.N. Mittal, J.

Petitioners herein were claimants before the Motor Accident Claims Tribunal (in short-the Tribunal), having filed claim petition u/s 166 of the Motor Vehicles Act, claiming compensation for the death of Parveen caused in motor vehicular accident. Petitioners are widow, a minor daughter and parents of Parveen. The claim petition was taken up in Lok Adalat and on statements of counsel for claimants and counsel for Insurance Company, the claim was settled at Rs. 5 lacs and accordingly, Award dated 17.03.2012 was passed in Lok Adalat for the said amount in favour of claimants/petitioners.

2. Petitioners filed application before the Tribunal for recall of Lok Adalat Award dated 17.03.2012 alleging that petitioners are not ready to accept the amount offered by the Insurance Company. It was pleaded that previous counsel engaged by the claimants before the Tribunal had pressurized the claimants to settle the claim by compromise, and therefore, the claimants had engaged a new counsel.

3. The application was opposed by respondents. Even Mr. Anil Lathwal, Advocate, who represented the claimants at the time of settlement in the Lok Adalat, filed reply to controvert the averments made in the application. He pleaded that the settlement was effected with consent of the claimants, who agreed to the settled amount.

4. Learned Tribunal, vide order dated 03.05.2013 (Annexure P-2), has dismissed the application filed by the claimants, who have, therefore, filed this revision petition to challenge the said order.
5. I have heard counsel for the petitioners and perused the case file.
6. Counsel for the petitioners reiterated the version of the petitioners, as pleaded in their application, as noticed hereinbefore.
7. I have carefully considered the matter.
8. The contention raised by the petitioners cannot be accepted. The matter was settled in Lok Adalat and statements of counsel for the claimants as well as counsel for Insurance Company were recorded regarding the settlement. The counsel, who represented the claimants at the time of settlement, has filed reply asserting that the settlement was arrived at after the claimants agreed to the settled amount. If settlements effected in the Lok Adalat are set aside on such averments, then the very purpose of holding Lok Adalat would be defeated. Even otherwise, whether settlement is arrived at in Lok Adalat or in the Court itself, the parties are bound by the settlement and they cannot be allowed to wriggle out of it. The claimants had engaged a counsel, who appeared for them in the Lok Adalat, and therefore, he had authority on behalf of the claimants to make statement regarding the settlement. It is thus apparent that there was valid settlement in Lok Adalat. No ground for recalling Award of Lok Adalat, made on the basis of settlement, is made out. The application filed by the claimants before the Tribunal for recalling the Award of Lok Adalat has been rightly dismissed by the Tribunal. There is no perversity, illegality or jurisdictional error in the impugned order Annexure P-2 passed by the Tribunal so as to call for interference by this Court in exercise of power of superintendence under Article 227 of the Constitution of India. The revision petition lacks any merit and is accordingly dismissed in limine.