

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD  
(Special Original Jurisdiction)**

TUESDAY, THE SECOND DAY OF APRIL  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE  
AND  
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT PETITION No.34985 OF 2012**

**Between:**

The United India Insurance Co. Ltd., Represented by its Branch Manager,  
Kamareddy.

**...PETITIONER**

**AND**

1. Permanent Lok Adalat, (Under Legal Services Authority Act.) Kanmnagar District, at Karimnagar,
2. Kondapalkala Vijaya, W/o Late Srinivasa Rao, Age 39 yers, Occ: Housewife, R/o Theegalaguttapalli R/o Karimnagar Mandal and District.
3. Kondapalkala Sai Kumar, S/o. Late Srinivasa Rao, Age 19 years, Occ: Student, R/o Theegalaguttapalli R/o Karimnagar Mandal and District.
4. Kondapalkala @ Jalgam Archana., W/o Venkateshwar Rao D/o Late Srinivasa Rao, Age 21 years, Occ: Housewife, R/o Theegalaguttapalli V/o Kanmnagar Mandal and District.
5. Kondapalkala Rama Rao., S/o. Venkaiah, Age 66 years, Occ: Nil, R/o Theegalaguttapalli V/o Karimnagar Mandal and District.
6. Shaik Hymad, S/o. Mohd Ali, aged 61 years. Occ Driver of Oil Tanker bearing INo.AP-9 U 9317 R/o H.No.6-93. Drivers colony. Kamareddy.
7. M/s Ashoka Service Station, Rep, by its owner Sudhakar (Owner of Oil tanker No. AP 9 U 9317) R/o H.No. 1-5-113, Sircilia Road, Kamareddy.

**...RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order, or direction more particularly one in the nature of writ of mandamus to declare the award passed in PLA Case No.4 of

2010 dated 17-8-2011 before the Permanent Lok-Adalat, Karimnagar District, at Karimnagar, as arbitrary, illegal and consequently set aside the same.

**I.A. NO: 1 OF 2012(WPMP. NO: 44462 OF 2012)**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased stay all the proceedings in award passed in PLA Case No 4 of 2010 dated 17-8-2011 before the Permanent Lok-Adalat Karimnagar District at Karimnagar pending disposal of the above writ petition.

**Counsel for the Petitioner: SRI SRINIVASA RAO VUTLA**

**Counsel for the Respondent No.2 to 5: SRI V. RAVI KIRAN RAO**

**Counsel for the Respondent No.1, 6 & 7: --**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**  
**AND**  
**THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT PETITION No.34985 OF 2012**

**ORDER:** (Per Hon'ble Shri Justice Anil Kumar Jukanti)

Mr. V.Srinivasa Rao Vutla, learned counsel for the petitioner.

2. This writ petition is filed seeking the following relief:

*"...to issue an appropriate writ order or direction more particularly one in the nature of writ of mandamus to declare the award passed in PLA Case No.4 of 2010 dated 17.8.2011 before the Permanent Lok-Adalat, Karimnagar District at Karimnagar, as arbitrary, illegal and consequently set aside the same and to grant such other relief of relief's as this Hon'ble Court may deem fit and proper in the interest of justice..."*

3. Brief Facts:

The unofficial respondents are legal representatives of the deceased one K. Srinivasa Rao who was working as NMR in Municipal Corporation, Karimnagar and was earning a salary of Rs.7,000/- per month. On 04.09.2009, the deceased K.Srinivasa Rao was riding motor cycle along with his friend and was travelling to Bonala Village. On their way at about 08.30 p.m. at

the outskirts of Wadiaram Village, an oil tanker bearing registration No.AP 9 U-9317 coming from opposite direction dashed the motor bike as a result of which deceased and the pillion rider sustained injuries and were shifted to hospital at Hyderabad. On 05.09.2009 at 09.00 a.m., K.Srinivasa Rao, the deceased succumbed to injuries. The incident was reported to Police, who registered crime No. 112 of 2009 and after investigation, filed a final report under Section 173 Cr.P.C. against driver of the oil tanker for offences under Sections 337 and 304-A of IPC.

3.1. A petition under Section 22-B of Legal Services Authorities Act, 1987 (for short 'the Act, 1987') was filed before the Permanent Lok Adalat at Karimnagar claiming compensation of Rs.7,00,000/- with interest at the rate of 24% per annum from the date of petition till realization against the driver of oil tanker, owner of vehicle and insurance company.

3.2. The permanent Lok Adalat directed respondent Nos.2 and 3 i.e., insurance company and the owner of the vehicle to deposit an amount of Rs.4,09,500/- with proportionate costs

and interest at the rate of 7.5% per annum within 30 days from the date of award. It is against this award of the Permanent Lok Adalat, the present writ petition is filed.

4. It is submitted by the learned counsel appearing on behalf of insurance company that there were violations under Motor Vehicle Act and the driver did not possess valid license and without approaching the Motor Accidents Claims Tribunal (MACT) (for short 'the Tribunal'), the legal representatives directly approached the Permanent Lok Adalat, which is impermissible in law. It is further submitted that if the legal representatives approached the Tribunal and the Tribunal could have referred the matter to the Lok Adalat for settlement by way of compromise. It is further submitted that as per Section 22 of the Act, 1987, conciliation is mandatory before the Permanent Lok Adalat decides the issue on merits and such conciliation proceedings have not taken place.

5. Learned Senior Counsel appearing for the respondents supported the order of the Permanent Lok Adalat and submitted

that Permanent Lok Adalat, after failure of conciliation proceedings decided the matter.

6. Heard learned counsels, perused the record. Considered rival submissions.

7. Section 22A and Section 22C of the Legal Services Act, 1987, which are relevant for the purpose of controversy involved in this petition, read as under:

**"22A. Definitions:-** In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires,-

- (a) "Permanent Lok Adalat" means a Permanent Lok Adalat established under sub-section (1) of Section 22-B;
- (b) "public utility service" means any-
  - (i) transport service for the carriage of passengers or goods by air, road or water; or
  - (ii) postal, telegraph or telephone service; or
  - (iii) supply of power, light or water to the public by any establishment; or
  - (iv) system of public conservancy or sanitation; or
  - (v) service in hospital or dispensary; or
  - (vi) insurance service.

**22C. Cognizance of cases by Permanent Lok Adalat:-**

- (1) Any party to a dispute may, before the dispute is brought

before any court, make an application to the Permanent Lok Adalat for the settlement of dispute:

Provided that the Permanent Lok Adalat shall not have jurisdiction in respect of any matter relating to an offence not compoundable under any law:

Provided further that the Permanent Lok Adalat shall also not have jurisdiction in the matter where the value of the property in dispute exceeds ten lakh rupees:

Provided also that the Central Government, may, by notification, increase the limit of ten lakh rupees specified in the second proviso in consultation with the Central Authority.

(2) After an application is made under sub-section (1) to the Permanent Lok Adalat, no party to that application shall invoke jurisdiction of any court in the same dispute.

(3) Where an application is made to a Permanent Lok Adalat under sub-section (1), it—

- (a) shall direct each party to the application to file before it a written statement, stating therein the facts and nature of dispute under the application, points or issues in such dispute and grounds relied in support of, or in opposition to, such points or issues, as the case may be, and such party may supplement such statement with any document and other evidence which such party deems appropriate in proof of such facts and grounds and shall send a copy of such statement together with a copy of

such document and other evidence, if any, to each of the parties to the application;

- (b) may require any party to the application to file additional statement before it at any stage of the conciliation proceedings;
- (c) shall communicate any document or statement received by it from any party to the application to the other party, to enable such other party to present reply thereto.

(4) When statement, additional statement and reply, if any, have been filed under sub-section (3), to the satisfaction of the Permanent Lok Adalat, it shall conduct conciliation proceedings between the parties to the application in such manner as it thinks appropriate taking into account the circumstances of the dispute.

(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.

(6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.

(7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties



concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

(8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.”

Thus, from the perusal of the aforesaid provisions in conjunction, it is evident that Permanent Lok Adalat has power to decide the proceeding before it if the parties fail to reach an agreement under sub-section (7) of Section 22C of the Act, 1987.

8. From perusal of the record produced before us, it is evident that the Permanent Lok Adalat held negotiations from time to time. From perusal of the Award, it is evident that the Insurance Company had taken a stand that the company is not liable to pay compensation to the petitioners as the respondent No.1 therein (driver of the oil tanker) did not have a valid driving licence. Thereafter, Permanent Lok Adalat proceeded to decide the case on merits. Therefore, it is evident that Permanent Lok Adalat has adhered to the mandate contained in Section 22C of

the Act, 1987 and that neither the proceeding before the permanent Lok Adalat nor the Award passed by the Permanent Lok Adalat suffers from any infirmity warranting any interference.

9. We are of the opinion that Permanent Lok Adalat has passed the award, dated 17.08.2011, adhering to the provisions of Chapter VIA of the Act, 1987 and rightly decided the dispute, after making efforts for settling the dispute by means of conciliation. We do not find any infirmity in the award passed by Permanent Lok Adalat. The writ petition is devoid of merits and is accordingly dismissed. No costs.

Miscellaneous applications, pending, if any, shall stand closed.

SD/-T. JAYASREE  
ASSISTANT REGISTRAR  
SECTION OFFICER

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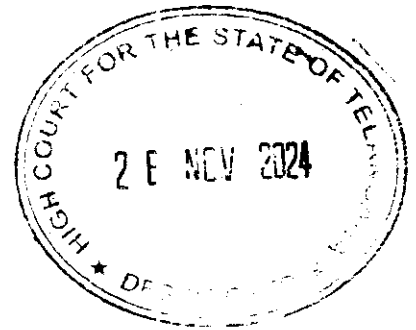
To,

1. One CC to SRI SRINIVASA RAO VUTLA, Advocate [OPUC]
2. One CC to SRI V. RAVI KIRAN RAO, Advocate [OPUC]
3. Two CD Copies

MP  
GJP

**HIGH COURT**

**DATED:02/04/2024**



**ORDER**

**WP.No.34985 of 2012**

**DISMISSING THE WRIT PETITION  
AS DEVOID OF MERITS  
WITHOUT COSTS**

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