

RAJASTHAN HIGH COURT

Sumer Singh

Vs.

Shaukat Hussain,

Civil Misc. Appeal No. 282 of 1996

(N.P. Gupta, J.)

21.04.2008

ORDER

N. P. Gupta, J.

1. Heard learned counsel for the appellant.
2. By the impugned award, the claim petition has been decided through Lok Adalat and the award has been passed for a sum of Rs. 15,000/-.
3. At the direction of the Court, learned counsel made available for perusal of the Court the compromise on the basis of which the award was passed and it shows that it is duly signed by the counsel for the applicant appellant Sri Parasmal Jain, who was the counsel in the trial Court. Under his signature it is mentioned (sic) on this basis, learned counsel seeks to contend that it is not clear as to whether the compromise is signed by counsel for the claimant, or counsel for the opposite party. The contention is strange, inasmuch as, this only means (sic) and from perusal of the record, it transpires that Parasmal Jain was the counsel for the claimant appellant, whose signatures as appearing on the Vakalatnama, fully tally with the signature on the compromise as the appellant's counsel.
4. Then a look at Section 22E of the State Legal Services Authorities Act shows that the award made by such Lok Adalat is final and binding on all the parties thereto, and the persons claiming under it, and cannot be called in question.
5. It was sought to be contended, that before entering into the compromise, the counsel did not seek instructions from the client. In this regard, it would suffice to say that this aspect is no more res-integra, inasmuch as, this controversy has already been decided by this Court in *Smt. Mohan Bai v. Smt. Jai Kishan and Ors. reported* ¹ in wherein

also this precise contention was raised, even by placing on record the material, to the effect, that the client had instructed the counsel not to enter into compromise, but before those instructions could reach the counsel, he had entered into compromise, and that compromise was held to be valid.

6. In that view of the matter, I do not find any ground to interfere with the impugned award. The appeal is, therefore, dismissed.

Appeal dismissed.

Cases Referred.

1. AIR 1988 Raj 22