

Sl. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	DAILY LOK ADALAT'S ORDERS
Daily Lok Adalat Order No.	21.10.2024		<p>AO No. 145 of 2012 <u>Pratibha Tiwari, H.J.S., Presiding Officer</u> <u>Uma Bhandari, Member</u></p> <p style="text-align: center;">None is present for the parties.</p> <p>It appears from the record that the case is not referred by regular court. The National Legal Services Authority (Lok Adalats) Regulations 2009 prescribes that Lok Adalat shall get jurisdiction to deal with a case only when a court of competent jurisdiction orders the case to be referred in the manner prescribed in Section 20 of the Act or under Section 89 of the Code of Civil Procedure, 1908 (5 of 1908). The relevant provisions are herein reproduced as under:-</p> <p style="text-align: center;">“10. References of cases and matters:- Lok Adalat shall get jurisdiction to deal with a case only when a court of competent jurisdiction orders the case to be referred in the manner prescribed in Section 20 of the Act or under Section 89 of the Code of Civil Procedure, 1908 (5 of 1908).</p> <p>(IA) A pre-litigation matter may be referred to the Lok Adalat by the concerned Legal Services Institution on the request of any of the parties after giving a reasonable opportunity of being heard to the other party.</p> <p>(2) A mechanical reference of pending cases to Lok Adalat shall be avoided and the referring court shall, <i>prima facie</i> satisfy itself that there are chances of settlement of the case through Lok Adalat and the case is appropriate to be referred to Lok Adalat.</p> <p>Provided that matters relating to divorce and criminal cases which are not compoundable under the Code of Criminal Procedure, 1973 (2 of 1974) shall not be referred to Lok Adalat.</p> <p>(3) In a pending case where only one of the parties had made application to the court for referring the case to Lok Adalat, or where the court <i>suomoto</i> is satisfied that the case is appropriate to take cognizance by Lok Adalat, the case shall not be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the parties.</p> <p>(4) The need based continuous Lok Adalats may be</p>

constituted in order to facilitate regular reference and timely disposal of cases.

20. Cognizance of cases by Lok Adalats.—(1) Where in any case referred to in clause (i) of sub-section (5) of section 19,—

(i)(a) the parties thereof agree; or

(b) one of the parties thereof makes an application to the Court,

for referring the case to the Lok Adalat for settlement and if such court *is prima facie* satisfied that there are chances of such settlement; or

(ii) the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat,

the Court shall refer the case to the Lok Adalat:

Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination:

Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advise the parties to seek remedy in a court.

(7) Where the record of the case is returned under sub-section (5) to the court, such court shall proceed to deal with

such case from the stage which was reached before such reference under sub-section (1).]”

Since the matter appears to be not properly referred in terms of above provisions of The National Legal Services Authority Lok Adalat Regulation 2009.

Therefore, let the case be sent back to the Hon’ble Court. Registrar (Judicial) is requested not to list the matters which are not referred in terms of Regulation 10 and 20 of The National Legal Services Authority Lok Adalat Regulation 2009.

Let the copy of the order also be forwarded to the Secretary, HCLSC, High Court of Uttarakhand, Nainital.

(Uma Bhandari, Member)

21.10.2024

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(Pratibha Tiwari, H.J.S., Presiding Officer)

21.10.2024

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