

Visit Report

LOK ADALAT VISIT

By Pro-Bono Club,

National Law University and Judicial Academy, Assam

The Pro-bono club of National Law University and Judicial Academy Assam organised a visit to Amingaon lok-adalat for its members on 9th September 2023. A contingent of 11 volunteers from the club visited the lok-adalat organised in Amingaon district court complex and observed the proceedings of the same, also assisting the parties and court in the proceedings.

The volunteer group included-

The group was reviced by Mr. **Binod Prasad Secretary, District Legal Services Authority, Kamrup, Amingaon** and was then given a brief orientation by Mr. **Gautam Baruah District and Sessions Judge, Amingaon** who summarised powers and jurisdiction of Lok Adalats, especially on non-compundable criminal cases.



After that Mr. Binod Prasad allotted all the volunteers court rooms in which they were to observe the proceedings and assist the court. The details of Lok-adalat proceedings observed by volunteers is as following:-

In the Lok Adalat of **Mallika Dutta, Member, MACT, Kamrup, Amingaon**

Case No 102/21 Rahul Medhi Vs New India Insurance Co.

The applicant was a injured in a road accident in 2021. He was pillion rider on motorcycle which was hit by a truck and the applicant suffered major injuries in head. He received a plate in skull and was provided treatment in Guwahati itself. The applicant claimed Rs 11,70000/- (eleven lakh seventy thousand only) in compensation and settled on receiving an amount of 400000/- (Four lakh only) from New India Insurance, the case was thus successfully settled in Lok Adalat.



Case No 82/2021 Vidisha Talukdar Vs New India Insurance Co.

The Applicants are wife and daughter of Pinku who died in an accident while riding as a pillion on a bike. The bike hit a tree causing injuries to Pinku who subsequently scummed to his injuries. Pinku was aged 35 when he dies and was the sole bread winner of his family, worked as

delivery partner with amazon. Under Section 166 of Motor vehicle Act 2019, The claimant and the insurance co have settled at an amount of 17,50,000/- (Seventeen Lakh fifty thousand only).

Case No 31/2023 Rohibul & Anr Vs New India Insurance Co.

Rafika died in an auto accident. Left behind 5 dependees including father, children, spouse and a sister. A claim of 50 lakh rupees was made and is now being settled at 1400000/- (Fourteen lakh rupees only).

Case No 41/2021 Rajni vs National Insurance Co.

Late Devendra Kumar Suffered an accident when his bike was hit by a truck and he died on Spot. He was 23 Years Old and worked as a carpenter earning approx. 7000/- a month at the time of his demise. With his future prospects of income, estates, loss of income etc included a claim of Rs 25 lakh was made by his dependees who settled at an amount of Rs 10,25,000 (Ten Lakh twenty-five thousand rupees) Under Section 166 of Motors Vehicles Act 2019.



Case No 178/2018 New India Insurance Co Vs Biplev Deo Nath

Biplave deo nath got injured when his bike was hit by doors of a taxi. The accident took place in Paltan bazar at on 31st July 1018 at 8:30 PM. After his accident he suffered significant injuries and had to undergo an operation in Apollo medical hospital and a plate was inserted in his left

leg causing significant expenditure. A claim of 15 Lakh rupees was made which was finally settled at Rs 700000/- (Seven Lakh Rupees).

Case 10/2023 Hasmat Ali vs New India Insurance Co.

On 10th December 2022 at 8 PM Hasmat Ali was going towards his home on foot when a bike came and hit him from behind. Hasmat received injuries on his head and received a plate surgery in his skull. Made a claim of 15 Lakh rupees and settled on 8 lakh

Case 201/2022 Osman Ali & Anr vs National Insurance Co.

Toshna begum (W/o Osman Ali) was riding on a bike as a pillion rider when the bike met an accident leading to demise of Toshna begum. A claim amount of 50 Lakh was made and a final amount of 9 lakh was agreed upon. One of the applicants was not present and could not have signed and thus the **case could not be settled**. Appearance of 2 other applicants was noted.

Total **53 cases** were heard by MACT lok Adalat.

In the court of **Shahzadi Nissat Rafiq JMFC, Amingaon**. Different matters relating to NI act and other monetary disputes were heard.



Tawhiq Alam Vs Anjum Singha.

Anjum had lent Rs 75000/- to Tawhiq. Tawhiq gave a cheque to Anjum of the said amount which bounced, thus a complaint was registered by Anjum under Negotiable Instruments Act. **The matter was settled in the lok Adalat.** Tawhiq gave Rs 25000/- to Anjum and promised to pay 50000/- within 2 months. If not paid a suite for recovery can be initiated by Anjum and the settlement deed will be an evidence.

Aisha Begum Vs Lafraz Alom

Aisha and Lafraj Married 5.5 years ago. They had a child from wedlock and saped 4 years ago. As a permanent settlement aisa demanded 4 lakh Rupees but Lafraj is ready to give only 1.5 lakh. Aisa currently is 21 and lafraj is 23, meaning they were minors at the time of marriage. A settlement **could not be reached and the case could not be disposed in lok Adalat.**

Property related Disputes

The Lok Adalat's was also dedicated to property-related disputes. These cases encompassed issues like illegal occupation of someone else's property, causing harm to individuals or property, and instances where multiple individuals were involved in criminal acts under Section 34 of the IPC. The Lok Adalat, through its mediation and conciliation processes, succeeded in bringing parties together and reaching mutually acceptable solutions. This not only expedited the resolution of these matters but also contributed to the restoration of peace and harmony in the community.

Criminal Cases under IPC Sections:

Following the motor vehicle-related cases and property related disputes, the Lok Adalat also took up criminal cases which were compoundable in nature, involving sections 447, 323, 427, and 34 of the Indian Penal Code (IPC). These cases were diverse in nature and involved offenses such as trespassing, causing hurt, mischief, and damage to property. What stood out was the commitment of the Lok Adalat to encourage amicable settlements and reconciliation between the parties involved. Mediation and dialogue played a significant role in resolving these disputes, ultimately reducing the burden on the traditional court system.

Sum up

The volunteers then assembled in the conference hall and shared their experience to Mr Binod Prashad. Queries and questions were also answered by Mr Binod Prashad. The visit to the Lok Adalat provided valuable insights into the functioning of this alternative dispute resolution forum. It was evident that the Lok Adalat serves as a crucial pillar of our legal system, promoting speedy justice and reducing the backlog of cases in traditional courts. The emphasis on reconciliation and mediation in resolving disputes, whether related to the Motor Vehicles Act or property issues, was commendable.

The Lok Adalat's ability to settle matters with fines, compensation, or amicable agreements not only benefits the litigants but also contributes to the overall efficiency and effectiveness of our legal system. We appreciate the dedication and efforts of the legal professionals and mediators at the Lok Adalat for their role in upholding the principles of justice and harmony.

Our visit to the Lok Adalat was an enlightening experience, showcasing the significance of alternative dispute resolution mechanisms in our quest for a just and equitable society.

