

No. MSLSA/2018/1190
Date: 26 June, 2018

CIRCULAR

The procedure to be followed for Lok Adalat is provided in the Legal Services Authorities Act, 1987. Section 19 of the Act contemplates holding of Lok Adalats for amicable settlement of the dispute. Section 20 provides for cognizance of the cases by Lok Adalats. Whereas, Section 21 provides for award of Lok Adalat and also prescribes refund of court fees.

Section 21 (1) reads thus:

- 21. Award of Lok Adalat:- (1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under sub-section (1) of section 20, the court fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870.**

Section 16 of the Court Fees Act, 1870 came to be amended which reads thus:

- 16. Refund of fee:- Where the court refers the parties to the suit to any one of the mode of settlement of dispute referred to in Section 89 of the Code of Civil Procedure, 1908, the Plaintiff shall be entitled to a certificate from the court authorising him to receive back from the Collector, the full amount of the fee paid in respect of such plaint.**

The provisions of Section 21 of the Legal Services Authorities Act, 1987, make it evident, that an award of the Lok Adalat shall be deemed to be a decree of Civil Court and the matters wherein award has been passed by the Lok Adalat are governed by the provisions of Legal services Authorities Act and as such, in such of

those matters, refund of court fees shall be in accordance with the provisions of Court Fees Act, 1870. It is to be noted that in Section 21 of the Legal Services Authorities Act, 1987, provisions contained in Court Fees Act, 1870, relating to refund of court fees are incorporated. Thus, it is a case of legislation by incorporation and by virtue of such incorporation, provisions of Court fees Act, 1870 relating to refund of court fees, are made applicable in respect of award passed by the Lok Adalat.

All the Judicial Officers in the State of Maharashtra are requested to adhere to the provisions of Section 21 of the Legal Services Authorities Act, 1987 and the provisions of Section 16 of the Court Fees Act, 1870 relating to refund of court fees scrupulously while dealing with matters referred and settled in Lok Adalat.

Dated this 20th day of June, 2018.


Member Secretary
Maharashtra State Legal Services Authority

20-06-2018

Refnce: **Judgment in Writ Petition No. 4919 of 2014**
Sanjeev kumar Harakchand Kankariya V/s. Union of India &
Ors.