

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 682/2024

Munni

.....Appellant(s)/Petitioner(s)

Through: Mr. Gagan Oswal, Advocate

Vs

..... Respondent(s)

Presiding Officer Motor Accident Claim
Tribunal Kathua

Through:

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

28.03.2024

1. The petitioner has invoked writ jurisdiction of this Court seeking a direction upon the Motor Accidents Claims Tribunal, Kathua to release the amount of Rs. 13, 50,000/- in her favour that has been deposited with the Tribunal pursuant to the award passed by the Lok Adalat on 09.09.2023.
2. It has been stated in the writ petition that the counsel engaged by the petitioner is demanding a certain percentage of the compensation awarded in her favour as professional fee and on account of this, a dispute has arisen between the petitioner and her counsel. It has been averred that due to this dispute, the Tribunal is not releasing the deposited amount in favour of the petitioner, despite having been approached by the petitioner for the said purpose.
3. Heard and considered.

4. So far as the amount that has been deposited with the Tribunal pursuant to the award passed by the Lok Adalat is concerned, the counsel cannot claim any share out of the fruits of litigation from his/her client as fee and if at all such a thing has happened, it is a case of professional misconduct on the part of the counsel. Such like conduct is not expected of a person belonging to legal profession. If on account of a dispute between the claimant and her counsel regarding professional fee, the Tribunal is not releasing the amount deposited pursuant to the award of the Lok Adalat in favour of the rightful claimants, the same is highly objectionable. A court or a Tribunal is not expected to become a party to the dispute about counsel fee between a litigant and his lawyer.
5. In view of the above, a direction is passed to the Motor Accidents Claims Tribunal, Kathua to release the amount deposited with it pursuant to Lok Adalat Award dated 09.09.2023 passed in Claim Petition, titled, '*Munni and ors. Vs. Sunny and ors*' in favour of the rightful claimant(s) in accordance with the law. Needful shall be done by the learned Tribunal immediately when the claimants approach the said Tribunal.
6. Disposed of.
7. Copy of this order be sent to Motor Accidents Claims Tribunal, Kathua.

(SANJAY DHAR)
JUDGE

Jammu
28.03.2024
Neha-II