

Court No. - 6

Case :- WRIT - C No. - 24603 of 2023

Petitioner :- Bharti Axa Life Insurance Company Ltd.

Respondent :- Permanent Lok Adalat Moradabad And Another

Counsel for Petitioner :- Aditya Bhardwaj

Counsel for Respondent :- Rajneesh Tripathi,Rajneesh Tripathi

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard Mr. Aditya Bhardwaj, learned counsel for the petitioner and Mr. Rajneesh Tripathi, learned counsel for respondent no.2.

The writ petition has been filed with a prayer to quash the impugned award dated 09.12.2021 passed by respondent no.1 i.e. Pemanent Lok Adalat, Moradabad, with a further prayer to restrain the respondents from implementing the impugned award.

Brief facts of the case; the Life Assured had applied for insurance policy plan named as "Bharti AXA Life Elite Secure" based on the information as provided by respondent no.2, believing the same to be true, the petitioner-company issued a policy under the aforesaid plan bearing Policy No.500-9225466, which commenced from 27.12.2012 for a term of 20 years for a sum of Rs.25,00,000/- with an yearly renewal premium of Rs.8,455/-. The Life Assured had nominated the respondent no.2, his brother, as nominee. After paying five premium up to 21.12.2017, the Life Assured died on 11.03.2018. The respondent no.2, without informing the petitioner-company and without any repudiation of the claim, filed complaint before respondent no.1, on which impugned award has been passed, hence, the present petition.

Learned counsel for the petitioner submits that the impugned award has been passed without following the prescribed procedure as specially provided under Section 22(C)(7) of Legal Services Authorities (Amendment) Act, 2002, hence, the

impugned order/award is vitiated. He has relied upon the judgement of Apex Court passed in case of **Canara Bank Vs. G.S. Jayarama, (2022) 7 Supreme Court Cases 776** and another judgement of this Court passed in **HDFC Standard Life Insurance Company Ltd. Vs. Permanent Lok Adalat Moradabad And Another, 2023(3) ADJ 258.**

Learned counsel for the respondents submits that proper notice was issued to the petitioner but he has not filed any reply, however, he could not dispute the fact that the proper procedure as required under law has not been followed.

In view of above, as the permanent Lok Adalat has not followed the proper procedure as prescribed under the relevant Act, therefore, the impugned award dated 09.12.2021 is vitiated and is illegal in the eyes of law, the same is liable to be set aside and is hereby **set aside.**

As the petitioner has not filed any reply before the permanent Lok Adalat, he is directed to file reply on or before 16.11.2023 along with certified copy of this order.

The matter is remitted back to the Permanent Lok Adalat, Moradabad with a direction to pass fresh orders, after following complete procedure as prescribed under law as well as the law laid down by Apex Court in the case of **Canara Bank (supra)**, after hearing all the parties concerned, by means of a reasoned and speaking order, as expeditiously as possible, preferably within a period of four months from today.

With the aforesaid observations/directions, the writ petition stands **allowed.**

Order Date :- 26.10.2023
Rahul.