

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGRH**

CR No. 1349 of 2013(O&M)

Date of decision: 7.12.2015

Shri Ram General Ins.Co.Ltd.

.....Petitioner

versus

Permanent Lok Adalat (Public Utility Services) Gurgaon and another

.....Respondents

Coram: Hon'ble Mr. Justice Amit Rawal

Present: Mr.Rajbir Singh, Advocate for the petitioner.

Mr. Rajesh Bhateja, Advocate for respondent No.2.

- 1. Whether reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the reporters or not?**
- 3. Whether the judgment should be reported in the digest?**

Amit Rawal, J.(Oral)

Challenge in the revision petition is to the order dated 8.6.2012 whereby Lok Adalat exercising the powers under Section 22(c) of the Public Utility Services Act, 1987 has called upon Insurance Company to pay the compensation with regard to damage caused to dumper on account of accident.

Mr.Rajbir Singh, learned counsel appearing on behalf of petitioner submits that on receipt of claim by the insured, a surveyor was appointed who submitted his report that accident was old one. He further submit that disputed questions of law are involved in this case which require detailed evidence and therefore, the matter could not be decided under the provisions of the afore-mentioned Act, particularly when the conciliation proceedings under statutory requirement of law had failed.

Mr.Rajesh Bhateja, learned counsel appearing on behalf of respondent No.2 submits that permanent Lok Adalat found that claim was justified while discarding the report of the surveyor.

I have heard learned counsel for the parties and appraised the paper book.

In paragraph 4 of the impugned order, the Lok Adalat mentioned that as per the report the claim was found doubtful but discarded the same by assigning no reason much less cogent reason. Even it has been mentioned that report is a vague one but there is no justification as to how and in what manner it is vague. In my view, the matter was required to be adjudicated by a competent forum where party would have an occasion to rebut the accompanying report by examining independent report or cross examination. Plaintiff has not placed on record independent report than the one produced by the surveyor to prove whether accident had actually taken place within the period of insurance or not. I am further of the view that it is a case where it required detailed consideration through evidence and the dispute could not have been adjudicated in the manner and mode by invoking the provisions of Section 22(c) of the Public Utility Services Act, 1987.

Keeping in view the aforementioned facts, impugned order is set aside. Parties shall be at liberty to seek redressal of the grievances in competent Court of law.

Revision petition stands allowed.

(AMIT RAWAL)
JUDGE

7.12.2015
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