

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

CR No.7940 of 2015 (O&M)

Date of decision : 28.11.2015

Reliance General Insurance Company Ltd.

...Petitioner

Versus

Rajinder Singh and ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

1. Whether reporters of local newspapers may be allowed to see judgment ?
2. To be referred to reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present: Mr. Nitin Mittal, Advocate for
Mr. Paras Money Goyal, Advocate for the petitioner.

AMIT RAWAL, J. (Oral)

The Insurance Company is against the order passed by the Permanent Lok Adalat under Section 22(I) of the Legal Services Authority Act, 1987, whereby the claim filed by the respondent in respect of the insurance policy obtained for motorcycle, which allegedly caught fire on 26.11.2013, has been allowed.

Mr. Nitin Mittal, Advocate for Mr. Paras Money Goyal, Advocate for the petitioner-Insurance Company submits, that as per the Clause 9 of the Insurance Policy, the policy lapses within three months after the death of the Policy Holder. The Policy Holder died on 31.07.2013

whereas vehicle got fire on 26.11.2013 and thus more than three months had elapsed.

He further submits that claim was repudiated on the ground that claimant submitted the claim after 27 days of the alleged fire and no proof with regard to being legal heirs of the deceased/Policy Holder was submitted.

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

Along with the claim petition, the affidavit of the legal heirs of Mam Raj had been filed with no objection in favour of the claimant claiming the compensation vis-a-vis the vehicle having been burnt in fire.

In my view, the policy had not elapsed because the Insurance Company had received the premium for the period of one year which commenced from 22.04.2013 to 21.04.2014, whereas vehicle got fire on 26.11.2013. Owing to such position, the Insurance Company cannot repudiate the claim. The reliance to the instructions issued by IRDA do not have any binding force but only directory in nature.

In view of aforementioned observations, I do not intend to differ with the findings rendered by Permanent Lok Adalat.

The Order cannot be said to have been passed without jurisdiction.

Resultantly, revision petition is dismissed.

28.11.2015

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**(AMIT RAWAL)
JUDGE**