THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 5698 of 2011 (O&M)
Date of decision: February 9, 2015.

Manoj Kumar
...Petitioner

Versus

M/s Royal Sundram Alliance Ins. Co. Ltd.
...Respondent

CORAM:- HON'BLE MR. JUSTICE K. KANNAN

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?**

Present: Mr. RK Handa, Advocate,
for the petitioner.

Mr. RK Bishamboo, Advocate,
for the respondent.

K. KANNAN, J. (Oral)

1. The petitioner was the insured having insured his vehicle against theft with the insurance company for the period 1.11.2008 to 31.10.2009. The vehicle was reported to have been stolen on the intervening night of 6/7.7.2009. The insured repudiated the policy relying on (i) the fact of theft had not been reported within 48 hours as required under the terms of the policy; (ii) there was no proper explanation at all for the delay in FIR; and (iii) the person who had registered the complaint, namely, driver had described himself the owner and had not referred to the vehicle as belonging to the petitioner.

2. Before the Permanent Lok Adalat, an attempt of the petitioner was to show that the petitioner and the driver were searching for the vehicle

and had even made attempt to register a complaint but the police was not registering the case and it was ultimately done with a lot of persuasion. The Permanent Lok Adalat found no proof of such statement made before it and held that the three circumstances mentioned above in defence were sufficient to discredit the truth of the petitioner's contentions and dismissed the petition.

3. The learned counsel for the petitioner would argue that the validity of the policy is not denied and the fact of loss by theft was brought out in the FIR and the delay was explained by the deliberate act of the police in not registering the complaint. The petitioner was illiterate person, according to the counsel and he shall not be made to suffer for the loss when the insurance company had a duty to compensate the petitioner in terms of the policy.

4. The decision of the Permanent Lok Adalat is final under the scheme of the Act and intervention would be possible only if there was a perverse appreciation of fact or an omission to consider a vital piece of evidence placed before it. If there was a contractual term requiring the petitioner to register a complaint and inform the insurer within 48 hours the information to the insurance company was also beyond the period of three weeks and even alleged fact of theft was not reported till as late as 21.7.2009, then the petitioner had a large burden to discharge. Illiteracy is a national bane and that cannot come in support for every situation where a legal right is sought to be asserted and relief obtained. I cannot support even an illiterate not to have reported the matter for more than two weeks and give an excuse before a legal forum that the police refused to act. Even if such assertion was true if there was any information available about he

laches of any particular officer, who had not acted, then that information should have been made a matter of pleadings at the time when the complaint was lodged. With the skeleted complaint with no details about the contributing circumstances for the delay between the time of theft to the lodging of FIR, it would not have been possible even for the Permanent Lok Adalat to enter a finding in favour of the petitioner. Moreso for this court, to reverse such finding that no better particulars to support the petitioner's cause.

5. I find no scope for intervention through the writ petition. The writ petition is dismissed.

February 9, 2015 **(K.KANNAN)**
prem **JUDGE**