

Sr.No.223

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-8964-2011(O&M)

Decided on: 22.09.2015

Angrejo Devi

.....Petitioner

vs.

Permanent Lok Adalat and another

.....Respondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Amit Kashyap, Advocate for

Mr.Rajinder Goyal, for the petitioner.

Mr. Pawan Kumar Longia, Advocate for respondent no.2.

**

Mahesh Grover, J

The petitioner impugns the order Annexure P6 passed by the permanent Lok Adalat (Public Utility Service) declining the claim of the petitioner under the Double Accident Benefit scheme (hereinafter called for short 'DAB') on the insurance policy pertaining to the deceased who was a minor of 16 years of age. The issue before the Lok Adalat and also before this Court is whether the insurance policy in question intended the DAB to go to the claimants in the event of the death of the deceased insured or not.

Obviously this question would be governed by the terms of the policy and no other benefit can be read into it other than the one which was intended to be conferred upon the insurer who took out the policy.

A perusal of the policy Annexure P1 indicates that right in the heading of the policy the benefit of DAB has been excluded with the terms contemplating money back (20 years) with profit.

Learned counsel for the respondent no.2 has stated that the premium in the policy without DAB was Rs.3151/- every six months and if a person

wanted to avail himself of the DAB then he would be required to pay one rupee for every one thousand of the sum insured. The premium paid by the petitioner was Rs.3,151/- only with no additions envisaging the extension of DAB to the insurer.

Be that as it may, in the considered view of this Court, the petitioner would be governed by the terms of the policy excluding DAB. The Court cannot read anything beyond the terms which were intended between the contracting parties. There is nothing on record to show that the petitioner had paid some additional premium to make the deceased insured admissible to DAB. There being no other question involved in the petition except the one which has been noticed above, I am of the opinion that the impugned order does not warrant any interference.

Dismissed.

22.09.2015

mamta

(MAHESH GROVER)

JUDGE