IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2839 of 2014 (O&M)
Decided on :26.11.2015

The Oriental Insruance Co. Ltd. .... **Petitioner**

vs.

Narsi ram & anr. .... **Respondents**

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. Ashwani Talwar, Advocate
for the petitioners.

Mr. Ravi Sodhi, Advocate
for respondent No.1.

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Mahesh Grover, J.(Oral)

The petitioner, which is insurance company, impugns the award of the Permanent Lok Adalat (Public Utility Services), Sirsa dated 14.06.2013 (Annexure P-1) where the claim of the respondent-claimant for satisfaction of his insurance claim has been accepted.

The petitioner disputes their liability to indemnify the respondent on the plea that the theft of the motorcycle took place on the intervening night of 23/24.08.2011 but intimation to the company was given on 05.12.2011 (Annexure P-5). Learned counsel for the petitioner contends that according to the terms of the policy the loss of theft is to be intimated to the company within 48 hours of theft.

The respondent contends that intimation was given to the police on the very same day, which is indicated by R-1 where theft of motorcycle was acknowledged and the subsequent FIR was registered on 29.08.2011.

The petitioner's plea necessarily has to fail as the respondent-claimant gave the intimation to the police promptly and the very purpose of the clause in the insurance policy is to obviate the chances of any fraudulent claim where pleas for indemnification is raised belatedly and probably as a result of fraud.

Apart from the fact that this fact was taken care of by reporting to the police on the day of theft, the FIR was also registered barely 6 days later, thus, there is sufficient justification in lodging the claim with the insurance company on 05.12.2011. In such a situation, they cannot brush it aside by stating it to be belated claim particularly, when bona fide is writ at large and police was intimated about theft at the earliest, which also has resulted in lodging of the FIR. The insurance company ought to adopt its own system of verification to check the fact of fraudulent claim, but cannot brush aside the entire claim by merely insisting that the company was informed somewhat belatedly, where other record suggest a bona fide theft and the resultant claim.

For the aforesaid reasons, I do not find any reason to interfere in the order passed by the Lok Adalat.

The present writ petition stands dismissed.

26.11.2015 **(Mahesh Grover)**
sonia **Judge**