IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.26777 of 2015
Date of Decision: 22.12.2015

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Tata AIG Insurance Co. Ltd.

. . . .Petitioner

Versus

Vijay Mehra Suraj Kund Road and others

. . . . Respondents

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CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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Present: Ms.Vandana Malhotra, Advocate,
for the petitioner.

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RAKESH KUMAR JAIN, J.

The petitioner has challenged the order dated 4.8.2015 passed by the Permanent Lok Adalat for Public Utility Services, Faridabad by which an award of ₹1,97,000/- has been passed in favour of respondent No.1.

Learned counsel for the petitioner has argued that respondent No.3 has committed an error in awarding the compensation of total loss to respondent No.1 against the terms and conditions of the policy which provides that *"the insured vehicle shall be treated as a CTL if the aggregate cost of retrieval and/or repair of the vehicle, subject to terms and conditions of the policy, exceeds 75% of the IDV of the vehicle"*.

According to the petitioner, the aggregate cost of retrieval and/or repair of the vehicle in question is less than 75%, therefore, respondent No.1 was not entitled for the award of total loss.

VIVEK PAHWA
2015.12.24 11:55
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authenticity of this document
High Court Chandigarh

I have heard learned counsel for the petitioner and after perusal of record, am of the considered opinion that there is no merit in the argument of the petitioner because a categoric finding has been returned by respondent No.3 that as per the invoice issued by respondent No.3, the loss caused to respondent No.1 is to the extent of ₹1,58,160/- which is more than 75% of the insured's declared value of the vehicle i.e. ₹1,97,000/-, therefore, respondent No.1 has rightly been awarded the total loss of vehicle on the basis of IDV. No other point has been argued.

In view of the aforesaid, I do not find any merit in the present petition.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

22.12.2015
Vivek

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