IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR No.2259 of 2016
Decided on: 30.05.2016

United India General Insurance Company Limited

....Petitioner

Versus

Shivani and others

....Respondents

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. R.C. Gupta, Advocate
for the petitioner.

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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?*

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REKHA MITTAL, J.

Challenge in the present petition has been made against order dated 18.11.2015 (Annexure P-1) passed by the Permanent Lok Adalat (Public Utility Services), Gurgaon, allowing claim of the respondent to the extent of Rs.30,100/- towards medical treatment.

Counsel for the petitioner has two fold submissions to make. The first submission made is that as per Clause 4.3 reproduced in the written statement filed by the petitioner (Annexure P-3), claim qua Gall Bladder Stone removal is excluded from the Policy obtained by the guardian of respondent – Shivani Khurana. Another submission made by counsel is that in the complaint filed under Section 22(c) of the Legal Services Act, the respondent/claimant was admitted in Sheetia Hospital, Gurgaon on 18.07.2013 and was discharged on the following day i.e. 19.07.2013 but the bill produced on record pertains to her

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admission in the hospital for a period of six days.

I have heard counsel for the petitioner, perused the paperbook more particularly the application/complaint filed by the respondent (Annexure P-2), written statement filed by the petitioner (Annexure P-3) and the award dated 18.11.2015 passed by the Permanent Lok Adalat.

The contention raised by the petitioner with regard to treatment taken by the respondent being not reimbursible, in view of exclusion clause in the Policy of insurance, has been dealt with by the Lok Adalat in Para 5 of the award and a relevant extract therefrom reads as follows:-

> *"As per discharge card, applicant Shivani was diagnosed as a case of Cholelithiasis with acute cholecystitis. The treatment given to her was IVF, injections and tablets. The treating doctor issued a certificate to the effect that the patient was found to have Gall Bladder Stone (Cholecystitis) and he (read she) was treated conservatively for acute Cholecystitis with IVF, anti-biotics and anti-emetics but no treatment was given for Cholelithiasis. It was specifically mentioned in the certificate that further treatment for Cholelithiasis was to be decided later by the Surgeon. So the gist of treatment record is that the applicant was treated for acute Cholecystitis conservatively and no procedure was done for removal of stone from the Gall Bladder."*

It has further been held that the word Cholelithiasis has not been used in Clause 4.3 of the Policy. The specific words used are Gall Bladder Stone Removal which has not been done in this case because that requires surgery and it was left to be decided later by the Surgeon.

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I have given my anxious consideration to Clause 4.3 of the insurance policy excluding expenses on treatment of certain diseases including Gall Bladder Stone Removal. The Lok Adalat has rightly refused to accept plea of the petitioner that as treatment given to the respondent does not relate to removal of Gall Bladder Stone, the petitioner cannot invoke exclusion clause to wriggle out of its liability.

Another submission made by counsel is that though the respondent remained admitted in the hospital for a period of one day but the medical bill pertains to admission for a period of six days is not borne out from any materials on record and, therefore, untenable.

For the foregoing reasons, finding no merit, the petition is dismissed *in limine*.

(REKHA MITTAL)
JUDGE

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