

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.5294 of 2016 (O&M)
Date of Decision: 22.08.2016**

Bharti AXA General Insurance Company Ltd.

.....Petitioner

Vs

**Permanent Lok Adalat, Camp Court at Patwal and another
.....Respondents**

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sanjeev Goyal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.

[1]. Petitioner-Company has assailed order dated 19.05.2016 passed by Permanent Lok Adalat (Public Utility Services) Camp Court at Palwal whereby an award of Rs.1,00,000/- was passed in favour of respondent No.2 and the petitioner was directed to pay the amount within 45 days from the date of passing of the award, failing which respondent No.2 was held entitled to recover the amount along with interest @ 7.5 % per annum from the date of filing of the petition till final realisation of the amount.

[2]. Petitioner has assailed award on two counts. Firstly, on the ground that contradictions appeared in the statements of

Ranbir Singh, Clerk from the office of RTA, Palwal and Sunil Kumar, Licensing Clerk from the office of Licensing Authority, Palwal. Perusal of both the statements of the witnesses would reveal that Ranbir Singh, Clerk from the office of RTA, Palwal deposed on the basis of relevant record pertaining to the driving licence of Dharambir Singh. The witness categorically submitted that the driving licence of Dharambir Singh bearing No.1091/LTV/P/2010 was issued to him and was renewed from 29.10.2010 to 28.10.2013 for driving category of vehicles like tractor, motorcycle, car, jeep and LTV. The old number of the licence was 99/P/07 and was issued for the period from 21.10.2007 to 21.10.2010 by the Licensing Authority, Palwal for driving the aforesaid category of vehicles. The witness further stated that the licence was further renewed by their office from 09.10.2013 to 08.10.2016 for driving the same category of vehicles.

[3]. The testimony of Sunil Kumar, Licensing Clerk, from the office of Licensing Authority, Palwal would reveal that his statement was also based on record who has specifically deposed that licence was issued to Dharambir Singh for driving tractor, motorcycle, car, jeep and the licence was further renewed on 22.10.2007 till 21.10.2010. There was no statement of witness that the licence was not renewed further from

09.10.2013 to 08.10.2016. In view of aforesaid, no contradiction can be noticed in the statements of both the witnesses.

[4]. Faced with this situation, learned counsel for the petitioner pressed into service his second ground of attack i.e. there was delay in giving information to the Insurance Company. The accident in question took place on 16.07.2014. The injured succumbed to injuries on 28.08.2014. The information was given to the Insurance Company on 19.09.2014, whereas the FIR was registered on 16.07.2014 in the Police Station City Palwal.

[5]. As per condition No.1 of the Policy, the intimation of the accident was to be given to the Insurance Company. In view of latest instructions issued by IRDA in September, 2011 to all the Insurance Companies, no such objection was to be raised by the companies in respect of receipt of late information in the claims which otherwise legally maintainable. The claim of respondent No.2 was otherwise found to be maintainable. The delay, if any, in providing intimation to the Insurance Company about the accident and death of the insured would not in any way take away the rights of the claimant after repudiating the claim and as per alleged condition of the Policy. The deceased after the accident remained hospitalized for his treatment for more than one month. The Company was informed regarding

the death of Dharambir Singh. The small delay, if any, would not render the case of the claimant to be doubtful on any score and the Insurance Company would not be justified to repudiate the claim of the claimant on that score.

[6]. In considered opinion of this Court, the award given by the Permanent Lok Adalat (Public Utility Services) Camp Court at Palwal is not faulted with any error of jurisdiction or perversity of any kind. Resultantly, this revision petition is found to be totally bereft of merits and the same is accordingly dismissed.

22.08.2016

Prince

**(RAJ MOHAN SINGH)
JUDGE**

Whether Reasoned/Speaking

Yes/No

Whether Reportable

Yes/No