IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 11278 of 2013
Date of Decision: 20.9.2016

Universal Sompo General Insurance Company Limited

.....Petitioner

Vs.

Rakesh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Krishan Kant, Advocate for
Mr. T.K. Joshi, Advocate
for the petitioner.

Mr. S.K. Bawa, Advocate
for respondent No.1

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RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 26.4.2012 (Annexure P-3), passed by learned Permanent Lok Adalat, Public Utility Services, Gurgaon-respondent No.2, whereby claim of respondent No.1 was found to be genuine and was accordingly granted, directing the petitioner-insurance company to pay an amount of ₹43,000/-, alongwith interest @ 9%, to respondent No.1.

Notice of motion was issued and in compliance thereof, written statement was filed on behalf of respondent No.1.

Heard learned counsel for the parties.

It has gone undisputed before this Court that respondent No.1 was insured with the petitioner-insurance company. He was having a valid mediclaim policy. During the currency of mediclaim policy, respondent No.1 remained hospitalised and he was given medical treatment. After having been discharged from the hospital, when he submitted his medical bills, petitioner-insurance company deputed a surveyor, who furnished his report vide Annexure P-4. The relevant columns of the report (Annexure P-4), submitted by the surveyor and particularly at pages 31 and 32 of the paper book, would make it crystal clear that medical claim putforth by the petitioner was a genuine one. Having said that, this Court feels no hesitation to conclude learned Permanent Lok Adalat has committed no error of law, while passing the impugned order and the same deserves to be upheld.

The relevant operative part of the impugned order passed by the learned Permanent Lok Adalat deserves to be noticed here and the same, reads as under:-

> "Repeated efforts were made for conciliation but the same has not been effected. So we have heard ld. counsel for the parties and have gone through the pleadings and the documents. Mediclaim policy is not disputed. It is revealed from a copy of the medical bill which is marked as A by us today that the applicant has incurred expenses of Rs. 43,000/- on his treatment. He remained admitted in hospital on 4.9.2010 to 10.9.2010. The report of surveyor which is produced by ld. Counsel for the respondent and which is marked as R1 by us today does not help the respondent in any manner. Applicant has today produced before us one Ravinder Singh who has produced his affidavit which is marked as AX by us today and he has also produced the copies of medical treatment record and perusal of the same

> shows that Dr. Rajesh Yadav was owner of hospital in question till 30.9.2010 and he sold this hospital known as Om Hospital to Dr. Sourabh Gupta w.e.f. 1.10.2010. The record was not in possession of Dr. Sourabh Gupta. The applicant has not got treatment from Dr. Sourabh Gupta. The treatment obtained from Dr. Rajesh Yadav who remained owner till 30.9.2010. Date of discharge of the applicant is 10.9.2010. Thus, no fraud has been played by the applicant with the respondent. There is no justification for rejection of the claim of the applicant. It is revealed from various documents produced that the applicant has spent a sum of Rs. 43,000/- on his treatment and so he is entitled to this amount from the respondent.
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> As a result of above discussion, we direct the respondent to pay Rs. 43,000/- (Rs. Forty Three Thousand only) to the applicant within one month from today failing which respondent will be liable to pay interest at the rate of 9% per annum from the date of institution of the present claim till payment. File be consigned to record room."

A bare reading of the impugned order passed by the learned Permanent Lok Adalat would show that respondent No.1 remained indoor patient from 4.9.2010 to 10.9.2010. Once the surveyor deputed by the petitioner-company himself has found that line of treatment given to respondent No.1 was in accordance with ailments and he also checked the indoor register verified for insured's entry, there was hardly any doubt left about the genuineness of the claim putforth by respondent No.1. The surveyor, vide his report (Annexrure P-4), also verified all the medical bills which were found in order. Under these circumstances, it can be safely concluded that learned Permanent Lok Adalat was well justified on facts as well as in law, while passing the impugned order and the same deserves to be upheld, for this reason as well.

During the course of hearing, learned counsel for the petitioner could not point out any patent illegality or perversity in any of the impugned order and rightly so, it being a matter of record. Further, no prejudice of any kind, whatsoever, has been pointed out which might have been caused to the petitioner-insurance company by passing of the impugned order, which may warrant interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition is wholly misconceived, bereft of merit and without any substance, thus, it must fail. No case for interference has been made out.

Resultantly, with the abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

(RAMESHWAR SINGH MALIK)
JUDGE

20.9.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No