

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

CWP No. 17442 of 2014 (O&M)

Date of Decision: 16.9.2016

HDFC Ergo General Insurance Company Ltd.

....Petitioner.

vs.

Permanent Lok Adalat and another

....Respondents.

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present:- Mr. Rajbir Singh, Advocate for petitioner.

Mr. Ashok Tyagi, Advocate for respondent No. 2.

....

RAKESH KUMAR JAIN, J

Present petition is directed against the order dated 28.4.2014 (Annexure P-1) passed by Permanent Lok Adalat (Public Utility Services), Gurgaon, District Gurgaon-respondent No. 1, by which an application filed under Section 22-C of the Legal Services Authority Act, 1987 (for short the 'Act') has been allowed.

Learned counsel for the petitioner has submitted that respondent No. 2 was not entitled to be indemnified because of clause 6(c) of the policy. It is further submitted that the said issue was raised before the Permanent Lok Adalat but no reason has been given as to why clause 6(c) of the policy was not applicable. Learned counsel for respondent No. 2 has also failed to show from the order passed by Permanent Lok Adalat that some reason was given by the Permanent Lok Adalat while discussing and rejecting the plea raised by the petitioner.

In the facts and circumstances of the case, I am of the considered opinion that Permanent Lok Adalat has not given any reason for disagreeing with the contentions raised by petitioner and hence, the impugned order dated 28.4.2014 is in violation of the principle of natural justice which requires reasoned order so that it can be challenged in higher court by the aggrieved party.

Consequently, the present petition is allowed. The matter is remanded back to the Permanent Lok Adalat to decide the matter afresh taking into consideration the objections raised by the petitioner and decide the same one way or the other.

Parties are directed to appear before the Permanent Lok Adalat on 17.10.2016.

16.09.2016
preeti

(Rakesh Kumar Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No