

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

CWP No.20818 of 2016
Date of Decision : 4.10.2016

United India Insurance Company Ltd.Petitioner

Vs.

Kushal Sharma and othersRespondents

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Mr. Ravinder Arora, Advocate for the petitioner.

...

RAMESHWAR SINGH MALIK, J

Present writ petition is directed against the order dated 11.6.2016 (Annexure P-4) passed by the learned Permanent Lok Adalat (Public Utility Services) Bathinda, whereby claim of respondent no.1, on account of theft of his insured vehicle was allowed, directing the petitioner-company to indemnify the loss caused to the true owner of the insured vehicle.

Heard learned counsel for the petitioner.

It is not in dispute that the vehicle in question owned by respondent no.1 was insured with the petitioner-company. The registered owner paid the due premium in time to the petitioner-company. It is also a matter of record that incident of theft took place qua the said insured vehicle, bearing Registration No.PB-03-AG-2335. This incident of theft took place on 28/29.3.2015 and FIR came to be registered after about 32

days of the incident i.e. on 1.5.2015. Registered owner of the insured vehicle put up his claim on the petitioner-company. When the claim of the registered owner was not being accepted by the petitioner-company, he was left with no other option, except to move the appropriate forum i.e. Permanent Lok Adalat.

It is neither pleaded nor argued case on behalf of the petitioner-company that it was not granted due opportunity of being heard by the learned Permanent Lok Adalat before passing the impugned order. The only and that too technical argument, raised by learned counsel for the petitioner-company is that the FIR came to be registered late by about 32 days and accordingly the petitioner-company, was not informed well in time. The information about the incident of theft was given to the petitioner-company after a period of 39 days, which violated the terms and conditions of policy, rendering the registered owner of insured vehicle dis-entitled for the claim in question.

When a specific query was put to the learned counsel for the petitioner-company that what kind of prejudice was caused to the petitioner-company by that alleged late information, he had no answer and rightly so, it being a matter of record. Further, registration of F.I.R. would also amount to an information to everybody. Had a serious prejudice been caused to the petitioner-company by the alleged late information, learned counsel for the petitioner-company might have been justified in raising this contention. However, in the circumstances of the case, above said solitary plea raised by learned counsel for the petitioner-company has been found wholly misplaced and the same is not worth acceptance.

It is also not the argued case on behalf of the petitioner-

company that learned Permanent Lok Adalat proceeded without jurisdiction.

Having said that, this court feels no hesitation to conclude that the learned Permanent Lok Adalat committed no error of law, while passing the impugned order and the same deserves to be upheld, for this reason also.

No other argument was raised.

Keeping in view the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this court is of the considered view that the 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 above said observations made, the present writ petition stands dismissed, however, with no order as to costs.

4.10.2016
GS

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No