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

Civil Writ Petition No. 21257 of 2016
Date of Decision: 7.10.2016

Shriram General Insurance Company Limited

.....Petitioner

Vs.

Mukesh Chauhan and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr.Vinod Kumar Arya, Advocate
for the petitioner.

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RAMESHWAR SINGH MALIK J. (ORAL)

Present writ petition is directed against the order dated 1.6.2016 (Annexure P-3), passed by the learned Permanent Lok Adalat, (Public Utility Services), Gurgaon, whereby application of respondent No.1 moved under Section 22-C of the Legal Services Authorities Act, 1987, was allowed, directing the petitioner-Insurance Company to indemnify the insured for the loss suffered by him.

Heard learned counsel for the petitioner.

It is a matter of record that vehicle was insured with the petitioner-Insurance Company for the value of ₹6,30,000/-. It is also a matter of record that the insured vehicle was stolen on 17/18.1.2014, during the currency of insurance policy. At the time of theft of the vehicle, registered owner was respondent No.1. FIR No. 24 was registered on the same day, i.e. 18.1.2014, thus, there was no delay in this regard.

Consequently, claimant submitted his claim before the petitioner-Insurance Company, however, instead of appreciating the claim, petitioner-Insurance Company sought to repudiate the same on one or the other technical grounds. It is also not in dispute that petitioner-Insurance Company received the premium in time. Vide transfer No. 1411830, as mentioned in the insurance policy itself, name of nominee of the owner has also been recorded as Smt. Sarla Rani, who was undisputedly wife of respondent No.1. Having said that, this Court feels no hesitation to conclude that learned Permanent Lok Adalat committed no error of law, while passing the impugned order and the same deserves to be upheld.

During the course of hearing, when confronted as to what prejudice has been caused to the petitioner by passing of the impugned order, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. In fact, except the solitary and that too, technical contention, learned counsel for the petitioner had nothing to argue on merits of the case.

Once the abovesaid material facts had never been in dispute either before the learned Permanent Lok Adalat or before this Court, petitioner- Insurance Company cannot be permitted to repudiate the genuine claim of the claimant on account of technicality or super technicality. Since all the relevant aspects of the matter were duly considered by the learned

Permanent Lok Adalat, while passing the impugned order, same deserves to be upheld.

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.

7.10.2016 **(RAMESHWAR SINGH MALIK)**
Ak Sharma **JUDGE**

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