IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.2189 of 2016
Date of Decision:21.04.2016

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Asgar Khan

. . . .Petitioner

Versus

Chairman, Permanent Lok Adalat, Mewat and another

. . . . Respondents

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CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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Present: Mr.Rakesh Dhiman, Advocate,
for the petitioner.

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RAKESH KUMAR JAIN, J.

The petitioner has challenged the order of the Permanent Lok Adalat (PUS) dated 23.10.2015 on the ground that his claim has been wrongly rejected/repudiated on the ground of delay.

I have heard learned counsel for the petitioner, who has failed to give any explanation in regard to the delay caused in informing the Insurance Company whereas the Permanent Lok Adalat (PUS) has relied upon various judgments to deny the relief asked for by the petitioner. The observations made by the Permanent Lok Adalat (PUS) are as under: -

> *"The authorities cited by the counsel for the respondent in support of the stand of respondent-company are as follows: -*
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> 1. *Vikram Singh Vs. Reliance General Insurance Company, Revision Petition No.3864 of 2012 decided on 2.4.2013 (NC).*

2. Jay Madhav Jha Vs. United India Insurance Company Ltd. Revision Petition No.542 of 2015 decided on 4.8.2015.

3. Jagdish Parshad Vs. ICICI Lombard General Insurance Company Ltd. 11(2013) CPJ 578 (NC)

4. M/s New India Assurance Company Ltd. Vs. Sh. Ajit Kumar, Revision Petition No.1896 of 2008 decided on 4.9.2013.

In jay Madhav Jha's case the vehicle was stolen on 26.9.2007, the FIR was lodged on 28.9.2007 and the information was sent to the insurance company on 4.10.2007 i.e. after about 8/9 days.

In vikram Singh's case the theft took place on 28.9.2009 and the FIR was immediately lodged with the police but the intimation to the company was given after a delay of 59 days. In both the cases the repudiation of the claim by the insurance company was held to be justified Hon'ble National Commission while making these observations reliance was also placed by the National Commission on a judgment of Hon'ble Supreme Court in case "Oriental Insurance Company Ltd. Vs. Parvesh Chandra Chada, Civil Appeal No.6739/2010 decided on 17.8.2010.

In Jagdish Parshad's case the driver left the vehicle unattended and unlocked. He did not immediately inform the insurance company about the theft. The repudiation of claim by the insurance company was held to be justified.

> *Even in Ajit Kumar's case supra the driver stopped his car on the left side of the road when there was no one in the vicinity at that time. He switched off his car, took out the ignition key and went for urination. When he returned back he did not find his car there. In that case the repudiation of the claim by the Insurance Company was held to be justified by the Hon'ble National Commission.*
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> *In Monu Yadav's case the FIR was prompt but there was delay of 54 days in giving intimation to the insurance company. So, the award passed by the Permanent Lok Adalat was upheld by the Hon'ble High Court. But in the case in hand there is not only delay in lodging FIR but also delay of 24 days in giving intimation to the respondent insurance company. In addition to that, the driver is also guilty of negligence as he left the vehicle by the road side with ignition key as well as the cabin key in the vehicle while going for answering the call of nature. So looking to the violation of condition No.1 as well as the condition No.4 of the policy and the observations made by Hon'ble National Commission in the aforesaid authorities, the repudiation of claim by the respondent insurance company in this case cannot be said to be justified."*

Consequently, in view of the aforesaid discussion, I do not find any merit in the present petition and the same is hereby dismissed.

(RAKESH KUMAR JAIN)
JUDGE

21.04.2016
Vivek