IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22115 of 2016
Date of decision: 08.12.2016

PNB Metlife India Insurance Co. Ltd., Balsamand Branch and another

... Petitioners

Vs.

Permanent Lok Adalat (Public Utility Services), Hisar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vaibhav Jain, Advocate
for the petitioners.

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RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the award dated 14.12.2015 (Annexure P-1) passed by learned Permanent Lok Adalat (Public Utility Services), Hisar, whereby application of respondent No.2 moved under Section 22-C of the Legal Services Authorities Act, 1987 for releasing the amount on account of the death of insured, was allowed, petitioner-Insurance Company has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari, for quashing the impugned award.

Heard learned counsel for the petitioners.

At the very outset, when confronted by this Court with the categoric and positive findings recorded by learned Permanent Lok Adalat on issue No.1, at pages 38-39 of the paper book, learned counsel for the petitioners had no answer and rightly so, it being a matter of record. In fact, learned counsel for the petitioners could not advance any meaningful argument on merits of the case, except to raise some technical and super-technical issues, which would be of any consequence. Having said that, this Court feels no hesitation to conclude that since learned Permanent Lok Adalat committed no error of law, while passing the impugned award, the same deserves to be upheld.

Before passing the impugned award, learned Permanent Lok Adalat recorded very cogent findings on all the issues framed. Relevant part of the findings recorded by learned Permanent Lok Adalat, at pages 38-39 of the paper book, which deserves to be noticed here, reads as under: -

> *"..........Not only this the investigation report produced by the respondent also does not show anywhere any documentary evidence to prove that he was diabetic. So, it cannot be said that he died due to diabetes rather there is evidence that he died due to heart attack. There is another aspect of the case that respondent can take the plea that the insured intentionally did not disclose about his illness regarding diabetes while taking the policy. But in this case the insured himself has not got insured rather was got insured automatically because he was having saving account in Punjab National Bank, Balsamand and his account No.1642000105153075 Ex.P11/1. Due to this saving account he was got insured automatically. So question of non-discloser of the disease does not arise. So, in this way it is proved by the petitioner*

that insured died due to heart attack as the natural death. Hence, this issue is decided against the respondent in favour of the petitioner."

It has gone undisputed before this Court that insured was account holder in the Punjab National Bank at its Balsamand Branch. This fact has been duly proved on record vide Ex.P11/1. Insured himself did not come forward seeking issuance of insurance policy in his favour. He was insured only because of the reason that he was a saving bank account holder in Punjab National Bank, Balsamand Branch. In this view of the matter, learned Permanent Lok Adalat was well justified to record the finding that there was no question of any concealment at the hands of the insured that he was suffering from diabeties. Further, the investigation report had duly established on record that the insured died due to heart attack and not because of diabeties. In such a situation, it can be safely concluded that the stand taken by the petitioners to repudiate the most genuine claim of the insured, was too technical, which cannot be accepted.

During the course of hearing, learned counsel for the petitioners could not refer to any patent illegality or perversity in the impugned award passed by learned Permanent Lok Adalat. Further, no prejudice, of any kind whatsoever, has been caused to the petitioners by passing the impugned award, 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 since the impugned award passed by learned Permanent Lok Adalat has not been found suffering from any patent illegality, the same deserves to be upheld. 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 abovesaid observations made, present writ petition stands dismissed, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

08.12.2016
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No