

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

-:-

**C.W.P No. 8689 of 2012 (O&M)**

**Date of Decision: February 02, 2016.**

**Amina & Ors.**

**..... Petitioners**

**Versus**

**The New India Assurance Co. Ltd. & Ors.**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL**

**Present:-** Mr. Ashish Gupta, Advocate, for the petitioners.

Mr. Ashwani Talwar, Advocate, for the respondents.

**Rajesh Bindal, J.**

Challenge in the present petition is to the award dated 23.01.2012, passed by the Permanent Lok Adalat (Public Utility Services), Gurgaon, whereby claim of the petitioners for compensation under Devi Rakshak Policy providing cover to the bread earners was rejected, *inter alia*, on the ground that application was found belated.

As far as issue of delay is concerned, learned counsel for both the parties submitted that the same was considered by this Court in C.W.P No. 9546 of 2009 titled “New India Assurance Company Limited Vs. Smt. Sarita Devi & Others, decided on 03.07.2009, whereby the petition filed by respondent- insurance company against the award of Permanent Lok Adalat was dismissed and their application was accepted after two and a half years. Hence, the rejection of the claim of the petitioners by the Lok Adalat merely on ground of delay, cannot be sustained.

Learned counsel for the respondents further submitted that all aspects of the matter namely, entitlement of the petitioners on production of the requisite documents, as per Memorandum of Understanding and the policy will have to be gone into by the Lok Adalat and as such the matter may be remitted back.

Learned counsel for the petitioners does not dispute the aforesaid position.

After hearing learned counsel for the parties, the impugned award dated 23.01.2012 passed by the Permanent Lok Adalat (Public Utility Services), Gurgaon, is hereby set aside and the matter is remitted back to the concerned Court to be decided afresh on merits.

The parties shall appear before the Permanent Lok Adalat (Public Utility Services), Gurgaon on 04.03.2016.

The petition stands disposed of.

**February 02, 2016**  
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**(RAJESH BINDAL)**  
**JUDGE**