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

**CWP No.6884 of 2016
Date of decision:11.05.2016**

Smt. Sudesh

...Petitioner

Versus

Permanent Lok Adalat and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Sanchit Punia, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

This petition is filed against the order passed by the Permanent Lok Adalat (PUS), Fatehabad dated 19.08.2015 by which application filed by the petitioner under Section 22-C of the Legal Services Authorities Act, 1987, for settlement of dispute pertaining to the insurance policy of the husband of the petitioner which she had claimed after his death, has been declined.

In short, the husband of the petitioner, namely, Mahender Singh S/o Nihal Singh got himself insured with the insurance company under the Group Accident Policy for a sum of ₹3,00,000/- for the period w.e.f. 17.12.2009 to 16.12.2010. According to the petitioner, on 29.05.2010, at about 1.30 p.m., the said insured left the village to see his ailing mother but did not return till 30.05.2010. On 30.05.2010, mother of the insured died. The petitioner went to Tohana and came to know that Mahender Singh did not reach there uptill 30.05.2010. She went to the Police Station Uklana on

01.06.2010 and lodged the missing complaint of her husband. On 02.06.2010, the dead body of her husband was recovered by the police of Police Station, Tohana and proceedings under Section 174 Cr.P.C. were carried out. The postmortem was conducted in General Hospital, Tohana vide PMR No.SKG/06/10 dated 03.06.2010 and, thereafter, the dead body of Mahender Singh was cremated. The Primary Health Centre, Prithla, Tehsil Tohana, District Fatehabad issued the death certificate on 29.01.2010. The petitioner informed the Insurance Company about the death of her husband and submitted the claim, which was repudiated by the Insurance Company on the ground that the deceased had committed the suicide.

When the matter reached to the Lok Adalat, the terms and conditions of the amicable settlement were not accepted by the parties and, thus, after taking voluminous evidence both oral as well as documentary, the Lok Adalat came to the conclusion that the death of Mahender Singh was because of suicide and was not natural.

Counsel for the petitioner has submitted that the Lok Adalat has committed an error by presuming the death as suicide only on the basis of the report of Section 174 Cr.P.C.

I have heard learned counsel for the parties and examined the available record.

It has come on record in the statement of Bhoop Singh that the deceased was running a hospital under the name and style of City Hospital, near Bus Stand, Uklana in a rented house. He stated that his brother was under depression and the dead body of his brother was recovered from Prithla minor.

Learned counsel for the petitioner has tried to argue that the deceased, while going to Tohana to meet his ailing mother, could have thought to take a bath in the canal and might have drowned. I do not subscribe to the argument raised by learned counsel for the petitioner because it is totally unnatural behaviour which is trying to be projected by the petitioner that the deceased, who was running a hospital, would take bath in a canal while going to meet his ailing mother. However, it has come on record that the deceased was under mental depression and there is every likelihood that he might have taken his own life while jumping into the canal.

Thus, for the reasons recorded here-in-above and the finding recorded by the Permanent Lok Adalat, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

May 11, 2016
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(Rakesh Kumar Jain)
Judge