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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7520 of 2016
Date of decision:29.04.2016

National Insurance Co. Ltd. and another ...Petitioners

Versus

Vinod Kumar and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. B.S.Taunque, Advocate,
for the petitioners.

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Rakesh Kumar Jain, J.

This petition is filed by the Insurance Company against the award/order of the Permanent Lok Adalat (PUS), Hisar (hereinafter referred to as the "Lok Adalat") on an application filed by respondent No.1 under Section 22-C of the Legal Services Authority Act, 1987 (hereinafter referred to as the "Act").

In brief, the Tata Indica Car, owned by respondent No.1, was insured by the petitioners for the period from 28.07.2008 to 27.07.2009 after receiving full premium of ₹11,918/- in cash. The said car bearing registration No.HR20-Q-3060 was stolen on 11.07.2009 from the parking of Hotel Mejban, Hisar. The FIR was allegedly registered on 19.07.2009 and the intimation was given to the petitioners-company on 22.07.2009, i.e. after 8 days and 11 days respectively from the alleged date of occurrence i.e. 11.07.2009. The claim set up by respondent No.1 was repudiated by the

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petitioners on the ground of delay. However, the Lok Adalat decided issue No.3 framed to the effect "*whether the delay in lodging the FIR and delay about intimating the theft to the respondent is fatal, if so to what effect?OPR*", in favour of respondent No.1, while referring to the decisions in the cases of **New India Assurance Company vs. Yad Kumar,** (1) 2015 CPJ 533 (NC) and CWP No.25056 of 2014 titled as **"ICICI Lombard General Insurance Company vs. Ashwani Kumar"** decided on 08.12.2014.

Counsel for the petitioners has relied upon a decision of the Supreme Court in the case of **Oriental Insurance Co. Ltd. vs. Parvesh Chander Chadha,** SLP(C) No.12741 of 2010, decided on 17.08.2010.

After hearing learned counsel for the petitioners, examining the available record and the finding recorded on issue No.3 as well as the judgment relied upon by the petitioners, I am of the considered opinion that there is no error in the impugned order and the decision in **Oriental Insurance Co. Ltd.'s case (supra)** is of no help to the petitioners because in that case, the vehicle was stolen somewhere between 18.01.1995 and 20.01.1995 from outside the house of the insured who lodged the FIR on 20.01.1995 but intimated the insurance company on 22.05.1995 i.e. almost after 4 months, which was held to be an inordinate delay by the Supreme Court but insofar as the present case is concerned, the reasons have been given by respondent No.1 for non-registration of the FIR because of indifferent attitude of the police officials to whom he had made a call at No.100 and also gave an application mark `X' to the SHO, Police Station, Civil Lines, Hisar, but the FIR was registered by the police only after 8 days and after registration of the FIR, respondent No.1 immediately intimated the insurance company.

Thus, in view these facts and circumstances, I do not find any merit in the present petition and hence, the same is hereby dismissed.

April 29, 2016 **(Rakesh Kumar Jain)**
vinod* **Judge**