

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CWP No.7906 of 2016
Date of decision:8.8.2016**

Anand Singh

...Petitioner

Versus

Oriental Insurance Co. Ltd and others

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Jawahar Narang, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Feeling aggrieved against the order dated 21.12.2015 (Annexure P-1) passed by learned Permanent Lok Adalat, Public Utility Services, Karnal, whereby respondent-Insurance Company was directed to pay the amount of Rs.10,51,000/- to the petitioner within one month, failing which, he would be entitled for interest @ 9% per annum, petitioner has approached this Court by way of present writ petition, for issuance of a writ of certiorari for modifying the order dated 21.12.2015, directing the respondent-Insurance Company to pay interest to the petitioner.

Heard learned counsel for the petitioner.

It is a matter of record that vehicle of the petitioner was insured with the respondent-insurance company. Theft of the vehicle of the petitioner took place on 25.07.2009. Petitioner served the legal notice on the respondent-insurance company on 19.12.2014. However, before that, as argued by learned counsel for the petitioner, he allegedly continued pursuing his cause with the respondent-insurance company making repeated requests, but no such document is available on record. The petitioner finally approached learned Permanent Lok Adalat by way of application under

Section 22-C of the Public Utility Services and Legal Services Authority Act, 1987.

During the course of arguments, when confronted with this unexplained delay from 25.07.2009 to 30.03.2015, learned counsel for the petitioner could not give any satisfactory explanation and rightly so, it being a matter of record. It is pertinent to note here that mere prolonged correspondence between the parties will not explain the delay in favour of the petitioner. Had the petitioner approached the civil court on 30.03.2015, instead of approaching learned Permanent Lok Adalat, his suit would have been hopelessly time barred. In fact, petitioner has miserably failed to give any reasonable explanation for this delay of about 6 years. Having said that, this Court feels no hesitation to conclude that the petitioner can not be granted the benefit of his own wrong.

Further, while passing the impugned order dated 21.12.2015, learned Permanent Lok Adalat has balanced the equity between the parties, while granting a sum of Rs.40,000/- to the petitioner on account of harassment and a sum of Rs.11,000/- as litigation expenses. Relevant operative part of the impugned order reads as under:-

“The relevant documents were sent to the respondents but the respondents kept on sending different letters, demanding copies of the relevant documents, just to cover the delay in the matter. Hence, the petitioner is also entitled to be compensated on account of harassment suffered by him at the hands of respondents. As such, we award a sum of Rs.40,000/- as compensation to the petitioner for harassment and further, a sum of Rs.11,000/- as litigation expenses. Thus, we accept the

application filed under Section 22 C of the Act by passing an award directing the respondents to pay the above mentioned total awarded amount of Rs.10,51,000/- (Rupees Ten Lac Fifty one thousand) to the petitioner within a period of one month from the date of award, failing which the petitioner would be entitled to receive interest @ 9% per annum on the awarded amount from the date of Award till payment.”

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 order has not been found suffering from any patent illegality or perversity nor any kind of prejudice, whatsoever, has been shown to have been caused to the petitioner, the impugned order deserves to be upheld as it is. The writ petition, having been found wholly misconceived, bereft of merit and without any substance, must fail. No case for interference has been made out

Resultantly, with the above-said observations made, the present writ petition stands dismissed, however, with no order as to costs.

8.8.2016
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No