*****

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8943 of 2016
Date of decision:09.05.2016

HDFC Ergo General Insurance Company Ltd. ...Petitioner

Versus

Permanent Lok Adalat and another ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ravinder Malik, Advocate, for the petitioner.

*****

Rakesh Kumar Jain, J.

This petition is filed by the Insurance Company having been aggrieved against the order dated 14.03.2016 passed by the Permanent Lok Adalat (PUS), Rewari (hereinafter referred to as the "Lok Adalat") by which application filed by the private respondent under Section 22-C of the Legal Services Authority Act, 1987, has been allowed and the petitioner has been ordered to pay ₹3,80,000/- along with interest at the rate of 12% per annum from 26.09.2010 besides ₹10,000/- as cost for the harassment caused to the private respondent.

The only argument raised by the counsel for the petitioner is that the private respondent had not informed about the theft of the insured vehicle immediately either to the police or to the Insurance Company and, thus, his claim was repudiated. In this regard, he has relied upon a decision of the Supreme Court in the case of **Oriental Insurance Company Ltd. vs. Parvesh Chander Chadha,** Civil Appeal No.6739 of 2010 arising out of SLP (C) No.12741 of 2010, decided on 17.10.2010.

*****

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

In this case, the petitioner had insured a tractor bearing registration No.HR-36V-2071 for the period from 02.09.2014 to 01.09.2015 as package policy in which the IDV was ₹3,80,000/-. The said tractor was stolen while it was parked in front of the house of the Driver Sant Lal S/o Ami Lal in Gali No.7, Shakti Nagar, Rewari. The FIR was registered immediately but the Insurance Company was intimated after 14 days. Since there was a delay in intimation to the Insurance Company, therefore, claim of the private respondent was declined,which has been allowed by the Lok Adalat by the impugned order.

The judgment relied upon by the counsel for the petitioner in **Oriental Insurance Co. Ltd.'s case (supra)** is not at all applicable to the present case because in the said case, the theft had occurred between 18.01.1995 and 20.01.1995, the FIR was lodged on 20.01.1995 but the intimation to the Insurance Company was given on 22.05.1995 i.e. after 4 months. The Supreme Court, in those circumstances, held that the intimation was not given immediately, whereas in the present case, the intimation was given after 14 days. Thus, the time consumed by the private respondent is not an inordinate delay.

Consequently, I do not find any error in the order under challenge and hence, the present writ petition is hereby dismissed being denuded of any merit.

May 09, 2016 **(Rakesh Kumar Jain)**
vinod* **Judge**