

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

LPA No.2340 of 2016 (O&M)

Date of Decision : 02.12.2016

The Oriental Insurance Company

....Appellant

Versus

Permanent Lok Adalat and another

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. S.S.Sidhu, Advocate
for the appellant.

....

MAHESH GROVER, J.

This appeal is directed against the judgment of the learned Single Judge dated 30.05.2014 and is barred by an inordinate delay of 830 days. In the application for condonation of delay the same has been attributed to the counsel for the appellant in whose office the file went missing. The application is accompanied by an affidavit of the learned counsel for the applicant-appellant and thus looking at the totality of the facts where the delay occurred unintentionally on account of the file having been lost in his office, we would accept the application and condone the delay of 830 days in filing the appeal.

We have heard the learned counsel for the appellant on merits.

The Oriental Insurance Company (appellant) has refuted the claim of respondent No.2 on account of theft of the tractor on the ground that the said theft was reported to them belatedly i.e. after three months.

The policy and its validity from 19.04.2012 to 18.04.2013 is not in dispute. The vehicle got stolen on 16.04.2013 and the FIR was recorded next day i.e. 17.04.2013. The police filed an untraced report. This would have been a sufficient cause for the appellant to consider the genuineness of the claim of the claimant but they refuted the same on the ground that the insurance company was informed about the theft of tractor after three months. The Lok Adalat awarded a sum of Rs.4,05,360/- and in writ proceedings the award of the Lok Adalat was upheld.

After hearing the learned counsel for the appellant, we are of the opinion that the appeal is totally frivolous and has been filed to harass the insured. There was sufficient material to establish the loss of the vehicle in theft as FIR was registered instantaneously. The police filed an untraced report and thus the insurance company should have taken this to be a sufficient verification of the loss of vehicle. Besides, the interest of the insurance company was adequately safeguarded by the Lok Adalat when it bound the insured that he will indemnify the

insurer and will not raise any claim in case the tractor is discovered or traced out at a subsequent stage.

We thus do not find any merit in the appeal and find it to be absolutely frivolous intended only to defeat the claim of respondent No.2 and dismiss the same with costs of Rs.20,000/- which is compensatory to the insured.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

02.12.2016
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No