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

**Civil Revision No.1439 of 2013
Date of Decision: 30.10.2017**

JIWAN JYOTI SENIOR SECONDARY SCHOOL

.....Petitioner

Vs

NATIONAL INSURANCE COMPANY LTD.

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Sudhir Aggarwal, Advocate
for the petitioner.

Ms. Vandana Malhotra, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner-School through its Principal is aggrieved of the order dated 10.07.2012 passed by the Permanent Lok Adalat (Public Utility Service) Gurgaon whereby the application filed by the petitioner was disposed of with liberty to the petitioner to move before the civil Court or appropriate forum in view of involvement of disputed facts.

[2]. Brief facts are that the applicant-petitioner filed an application under Section 22-C of the Legal Services Authority Act, 1987 for award of the compensation on account of

damage caused to the vehicle which was insured with the respondent-Insurance Company. The vehicle belonging to the petitioner caught fire, when the same was parked in the workshop premises known as Roshan Body Workshop. Extensive damage was caused to the vehicle.

[3]. The vehicle was comprehensively insured. A claim to the tune of Rs.4,42,402/- was made towards repairs besides compensation to the tune of Rs.20,000/- on account of harassment.

[4]. Learned counsel for the respondent submitted that as per Surveyor's report, cause of fire was not known. Even the battery installed in the vehicle was found to be totally discharged and even its leads were off. Model of the vehicle was of the year 2006. Insurance Company in view of clause 2 of the General Exceptions, repudiated the claim of the petitioner.

[5]. Apparently, Roshan Body Workshop has not been arrayed as defendant/respondent in the claim sought before the Permanent Lok Adalat. In the absence of proper parties, the cause of fire could not be ascertained. Even the Surveyor of the Insurance Company has given his opinion in the aforesaid context.

[6]. Learned counsel further submitted that the Permanent

Lok Adalat in view of provision of Section 22(c)(i) to (viii) could have decided the matter within the four corners of the dispute mentioned therein. In the event of finding complicated and intricate questions of fact, the jurisdiction of the Permanent Lok Adalat under Section 22(i) of the Act could not be invoked.

[7]. Learned counsel by placing reliance upon **National Insurance Company Limited vs. State of Haryana and others, 2013(1) RCR (Civil) 434** contended that in a given situation, the ratio of the aforesaid judgment can be applied and the petitioner can be relegated to the remedy of civil suit, if advised.

[8]. Having considered the submissions made by learned counsel for the parties, I am of the view that since the owner of the workshop has not been arrayed as one of the respondent before the Permanent Lok Adalat, the cause of action could not be ascertained as the vehicle was stationary at the time of incident. The vehicle caught fire itself, is the issue which cannot be effectively commented upon by the Permanent Lok Adalat in the absence of necessary parties before it. Necessary probe is required to be made.

[9]. In my considered opinion, the dispute of the present kind cannot be decided by the Permanent Lok Adalat for which

petitioner would be at liberty to avail any other alternative remedy in accordance with law.

[10]. Revision petition stands disposed of.

October 30, 2017

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No