

CWP-17697-2012

Date of Decision : 01.02.2017

Mam Chand and others

.....Petitioners

versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Pritam Saini, Advocate
for the petitioners.

Mr. Anil Kumar Yadav, Addl.A.G., Haryana.

Mr. Rajneesh Malhotra, Advocate
for respondent No. 2.**M.M.S. BEDI, JUDGE (ORAL)**

With the assistance of learned counsel for the parties, I have gone through the provisions of Section 22 A (b) of the Legal Services Authority Act, 1987 which indicate that dispute regarding insurance would fall under the public utility services.

Petitioners are residents of different villages of Tehsil Babain, District Kurukshetra. They are aggrieved by the dismissal of their claim before the Permanent Lok Adalat for Public Utility Services, Ambala Division, Camp Court Kurukshetra. The petitioners claim that being insured under a scheme called Weather Based Crop Insurance Scheme, the petitioners have not been paid any compensation. They had

filed an application to the Administrative Officer, Agricultural Insurance Company in this regard but no action has been taken. The plea of the State in reply is that no claim was filed before the Agricultural Department by the petitioners. However, a complaint against the Insurance Company was lodged before the Haryana Agricultural Department, in response thereto, the respondent No. 2 had been requested to settle the claim of Babain block vide order dated 07.06.2011. Specific stand taken by the State is that it is the Insurance Company, respondent No. 2, as per the policy, who has to determine any entitlement of claim under the Scheme and not by the Agricultural Department.

Learned counsel for the Insurance Company has submitted that no claim has been submitted by the petitioners before the Insurance Company.

In view of the stand, taken by the respondents that the petitioners have not submitted their claim formally before the Insurance Company, this petition is disposed of with a direction that petitioners will file a proper petition for claiming benefit of the above said policy, on account of damage having been caused to their crops. In case, the said claim is submitted within a period of 15 days, it will be finally decided by the respondents within a period of three months after the date of submission of the claim.

In view of the above circumstances, the order passed by the Lok Adalat for Public Utility Services, Ambala, Division Camp Court

Kurukshetra dismissing the claim of the petitioners, is hereby set aside and it is observed that the said order will not be considered as an obstacle for determination of the claim of the petitioners, filed individually or jointly.

Disposed of with above observations.

(M.M.S. BEDI)
JUDGE

01.02.2017
Neha

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