

220 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16458 of 2015(O&M)

Date of decision : 18.05.2017

Jagat Singh

..... Petitioner

versus

National Insurance Co.Ltd.and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Naveen Kumar, Advocate for the petitioner.

Mr. G.S.Ahluwalia, Advocate for respondent No.1.

Mr.Sandeep Suri, Advocate for respondent No.2.

AMIT RAWAL, J. (Oral)

Petitioner is aggrieved of the order of Permanent Lok Adalat whereby his claim for theft of the vehicle insured with the insurance company has been rejected.

Counsel for the petitioner submits that on the intervening night of 16.10.2006 and 17.10.2006 the vehicle of the petitioner was stolen. The petitioner had submitted an intimation to the police and FIR No. 247 dated 27.10.2006 under Section 379 IPC was registered at Police Station Kharkhoda. The theft was also reported to the insurance company on 30.10.2006. This is second round of litigation. At earlier point of time Permanent Lok Adalat had passed an order but the petitioner did not co-operate. Even on the second occasion also the insurance company repudiated the claim of non-co-operation. Mere delay in the registration of the FIR cannot be fatal for the purpose of adjudicating the claim and, therefore,

rejection of the claim in the absence of any disputed question of fact was not called for.

On the contrary, counsel appearing on behalf of the insurance company submits that as per the report of the surveyor the petitioner did not appear before him and the report of surveyor is that no vehicle had been stolen and the keys of the vehicle were also not given. It is in this view of the matter that Permanent Lok Adalat rejected the claim of the petitioner.

I have heard learned counsel for the parties and perused the paper book and am of the view that dispute is with regard to theft of the vehicle. The remedy was to approach the civil court and prove the actual theft by leading cogent evidence and not by invoking the provisions of the Permanent Lok Adalat Act as these are rather summary in nature. In case the petitioner is so advised, he can avail the remedy to file a civil suit within a period of two months and the period spent herein shall be deemed to be condoned as per as per the provisions of Section 14 of the Limitation Act.

Petition is disposed of while upholding the order of the Permanent Lok Adalat. Needless to say that in case remedy to file civil suit is availed, the trial Court shall decide the same on the basis of evidence led before it, uninfluenced by the findings of the Permanent Lok Adalat.

(AMIT RAWAL)
JUDGE

May 18, 2017
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No