IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP 17644 of 2014
Date of decision: 8.2.2017

National Insurance Co. Ltd.

Petitioner

vs.

Darshan and others

Respondent

Present: Mr. SS Sidhu, Advocate for petitioner.
Mr. Ravinder Malik, Advocate for respondent No.1
Mr. PS Poonia, Advocate for respondents 2 to 4
Ms. Ramandeep Kaur, Advocate for respondent No.5

M.M.S.BEDI,J.

This petition has been filed by National Insurance Company against an Award dated 31.3.2014 passed by the Permanent Lok Adalat, Panipat directing respondents 2 to 4 to pay a sum of Rs.2.5 lacs along with an interest @ 24% per annum besides Rs.10000/- as compensation for deficiency in service and Rs.11000/- as litigation cost to Darshan wife of Ravinder Kumar, Assistant Line Man, who died while on duty while repairing electric line.

Counsel for the petitioner has vehemently contended that as per terms and conditions of the policy, respondents 2 to 4 were required to inform the petitioner- company about the death of the deceased within a period of one month but on account of said statutory contract obligation having not been fulfilled, respondent No.1 is not entitled to any compensation. Counsel for the petitioner has also argued that the petitioner is entitled to recover the amount from respondents 2 to 4.

The only grievance of the petitioner- company is that the amount of Rs.2,91,610/-, paid to respondent No.1 by the petitioner company, deserves to be recovered from respondents 2 to 4 on account of their fault for having not raised the claim within a period of one month and no information having been given to the petitioner- company.

Counsel for respondents 2 to 4 has submitted that immediately the intimation regarding the death of Ravinder Kumar had been given at toll free number. Thereafter, all the requisite papers were sent to the petitioner-company as soon as these were received from respondent No.1 without any delay on part of respondents 2 to 4.

The provisions of law pertaining to grant of insurance are part of beneficial legislation and have to be considered liberally except in cases where the premium has not been paid within the stipulated period by the insured. In the present case, there is allegedly delay regarding intimation to the petitioner-company about the death of the deceased. The said factum cannot be made basis even if the delay has not been explained. Besides this, it will not feasible for this Court to entertain the disputed question of fact whether respondents 2 to 4 had intimated at toll free number of the petitioner in time or not.

In view of the above, no ground is made out to interfere in the Award given by the Permanent Lok Adalat.

Dismissed.

February 8 ,2016 (M.M.S.BEDI)
TSM JUDGE

Whether speaking/ reasoned Yes/ No

Whether reportable Yes/ No