

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

CWP No. 19784 of 2015

Date of decision : 18.08.2017

TATA AIG General Insurance Company Ltd.

....Petitioner

V/s

Lalit Kumar & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Rajesh K. Sharma, Advocate for the petitioner.

None for the respondents.

RAJAN GUPTA J.

Challenge in this petition is to order passed by the Permanent Lok Adalat (Public Utility Services), Gurgaon whereby petitioner-insurance company has been directed to pay ₹4,80,000/- to the respondent no. 1 for theft of the vehicle. Learned counsel for the petitioner submits that while deciding the case, Forum lost sight of the judgment of the Hon'ble Supreme court in Civil Appeal No. 6739 of 2010 titled as Oriental Insurance Co. Ltd. vs. Parvesh Chander Chadha decided on August 17, 2010, according to which, insured is required to intimate the theft of the vehicle to the company immediately after the incident. Due to delay in giving the intimation, the company could not get the inquiry conducted into the alleged theft through its own source. According to him, Tribunal also did not consider the fact that the vehicle was reported stolen on the very next date on which the policy was issued. Even FIR with the police was lodged after a lapse of eighteen days of the alleged incident. Respondents remain unrepresented.

This court finds substance in the plea raised by the petitioner. It appears

that number of aspects of the matter were not considered by the Forum.
Impugned order is, thus, set-aside. Matter is remitted to same Forum for
decision afresh after affording opportunity of hearing to the parties.

Allowed in these terms.

August 18, 2017

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No