

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19908 of 2015

Date of decision : 18.01.2017

Mausam

..... Petitioner

versus

National Insurane Company Ltd. and
another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Deepanshu Matya, Advocate for the petitioner.

Mr.Parminder Bedi, Advocate for respondent No.1.

AMIT RAWAL, J. (Oral)

The grievance of the petitioner is that the Lok Adalat while exercising powers under Section 22-C of the Legal Services Authority Act , 1987(hereinafter referred to as 'the Act' for short) has declined the claim of non-payment of compensation of the insurance company on account of theft of the motor cycle. The contention of learned counsel for the petitioner is that the Lok Adalat has declined the aforementioned case as the petitioner did not get the vehicle registered within one month of the purchase whereas the insurance cover/policy indemnified the insured from all the eventualities including the theft. The Lok Adalat also has looked into all these aspects. The terms and conditions of the insurance policy were quite sacrosanct and cannot be interpreted in the manner it has been.

Per contra learned counsel appearing of the respondent submits that there was no consensus. The Lok Adalat could not have proceeded with the proceedings in view of provisions of sub-section 8 of Section 22-C of

the Act. In support of his contentions relied upon judgment of Hon'ble Supreme Court in State of Punjab v. Mohinderjit Kaur reported as 2005(1) RCR(Civil) 419 and of this Court in Reliance General Insurance Co. Ltd. v. Vijay Kumar and another reported as 2012(1) PLR 794 to contend that there was a complete violation of Motor Vehicles Act as the vehicle was not registered within a period of four months, therefore, the disputed questions of fact were liable to be proved by leading evidence and urged before this Court for dismissal of the writ petition.

I have heard learned counsel for the parties, perused the paper book and am in agreement with learned counsel for the insurance company. It has been held by Hon'ble Supreme Court that the Lok Adalats are not to proceed ahead by invoking the provision of sub section 8 of Section 22-C of the Act in the absence of consensus. Since it is a matter of evidence whether the vehicle was registered or not and the Lok Adalat could not have entertained the claim which was rightly dismissed. The petitioner could have sought to redress his grievance in any other forum but not in the manner and mode as indicated above.

No ground for interference is called for.

Dismissed.

(AMIT RAWAL)
JUDGE

January 18, 2017
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No