

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

CWP No.22345 of 2017

Date of Decision: 29th September, 2017

The Oriental Insurance Company Limited

. . . . Petitioner

Vs.

Jagdish Mitter Chutani and another

. . . . Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: Mr.Sanjiv Pabbi, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed to challenge the order dated 14.3.2017 passed by the Permanent Lok Adalat (Public Utility Services), Gurgaon [for short 'the PLA'] by which the application filed by respondent No.1 under Section 22C of the Legal Services Authorities Act, 1987 [for short 'the Act'] for accepting his bill of ₹2,70,000/- has been allowed. The only argument raised by the petitioner is that respondent No.1 was suffering from pre-existing disease and as per Clause 4.1 of the Mediclaim Policy, he was not entitled for the insurance cover. It is also submitted that since the petitioner has obtained the policy on 14.8.2015 and had got the stunt implanted on 11.5.2016, therefore, his case falls within the purview of Clause 4.1 of the Mediclaim as the disease of the petitioner is excluded upto 3 years from the date of obtaining the policy.

I have heard learned counsel for the petitioner and after perusing the record, am of the considered opinion that there is no merit in the present petition because no evidence has been brought on record by the petitioner about the previous ailments of respondent No.1 much less of his disease. The

PLA has rightly observed that "*no person can be aware of this deposit in the*

arteries unless that deposit indicates some signs or symptoms of heart problem.”

In view thereof, Clause 4.1 of the Mediclaim Policy is not applicable to the case of respondent No.1 and hence, the present petition is hereby found to be devoid of any merit and as such the same is hereby dismissed.

29th SEPTEMBER, 2017
Vivek

(RAKESH KUMAR JAIN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>