

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

CWP No. 5496 of 2015

Date of decision : 27.10.2017

Pankaj Jain

....Petitioner

V/s

The Chairman, Permanent Lok Adalat Public Utility Services,
Gurgaon & anr.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Amit Jain, Advocate for the petitioner.

RAJAN GUPTA J.

Petitioner has impugned the order dated 14.11.2013 passed by Permanent Lok Adalat (PUS) Gurgaon. According to him, order is unsustainable as claim of the petitioner has been rejected merely on the ground that there was delay in lodging the FIR regarding the theft of the vehicle. Besides, claim of the consumer cannot be repudiated by the insurance company on the ground that vehicle was being used for a purpose other than that specified in the insurance policy. He relies upon judgment reported as *National Insurance Company Ltd. vs. Nitin Khandelwal (2008) 11 Supreme Court Cases 259*. Contentions of the petitioner remain unrebutted. Despite notice, respondent no. 2-insurance company has failed to appear before this court and was proceeded ex-parte vide order dated February 20, 2017.

In view of above, impugned order is hereby set-aside. Matter is

remitted to the same Forum for decision afresh after considering plea raised by the petitioner.

Allowed in these terms.

October 27, 2017
Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No