IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9209 of 2015
Date of decision : 03.04.2017

The New India Assurance Company Ltd. and another ...Petitioners

Versus

Smt. Sumitra and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Ashwani Talwar, Advocate for the petitioners.

Mr. Gurinder Pal Singh, Advocate for respondent No.1.

Mr. Sandeep Singh Mann, Sr. DAG, Haryana.
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AMIT RAWAL, J. (Oral)

The grievance of the petitioner(s)-The New India Assurance Company Ltd. is to the order dated 22.12.2014 (Annexure P-1) passed by the respondent No.3-Permanent Lok Adalat (Public Utility Services), whereby the claim of Sumitra widow of Late Pradeep Kumar who unfortunately died on 16.01.2005 in a road accident had been repudiated on 30.03.2006 being entertained by Lok Adalat on 20.01.2014.

Mr. Ashwani Talwar, learned counsel appearing on behalf of petitioners submits that once claim for honouring the insurance policy i.e. Devi Rakshak policy which provided the payment of ₹1 lac to every beneficiary, had been repudiated on various terms, could not have been agitated after lapse of almost eight years. Though, there is no limitation, yet provision of Article 137 of the Limitation Act, do apply. This aspect was required to be taken into consideration. Another objection qua repudiation was that the beneficiary could not claim the benefit of the policy as from the standard of living, the deceased must have been income tax payee.

Per Contra, Mr. Gurinder Pal Singh, learned counsel appearing on behalf of respondent No.1 submits that Insurance Company has failed to lead any evidence with regard to income tax records of the deceased. Other ground for repudiation was that the policy was not in existence, whereas deceased had died on 16.01.2005 when the policy was existed and the FIR No.10 dated 16.01.2005 under Sections 279, 304 A of the Indian Penal Code registered with Police Station Model Town, Rewari had been also lodged and thus urges this Court for upholding the order.

I have heard learned counsel for the parties and appraised the paper book.

Keeping the question of limitation open, the fact remains that claimants have not been granted interest w.e.f. repudiation of claim or from the date of claim, therefore, no prejudice has been caused to the Insurance Company. 9% interest is also as per the prevailing market rate. As regards the non-exemption, I am of the view that once income tax record has not been placed on record, the plea of the Insurance Company has rightly been negated.

No ground for interference is made out.

Accordingly, present writ petition is dismissed.

03.04.2017 **(AMIT RAWAL)**
pawan **JUDGE**

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**