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

CWP No.18615 of 2018 (O&M)
Date of decision: September 28, 2018

Harjeet Singh ...Petitioner

Versus

Permanent Lok Adalat and others ...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

**Present: Mr. Dharminder Singh Randhawa, Advocate,
for the petitioner.**

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 16.05.2018 passed by the Permanent Lok Adalat (Public Utility Services), Fatehgarh Sahib (hereinafter referred to as the "Lok Adalat"), by which an application filed under Section 22-C of the Legal Services Authorities Act, 1987 (hereinafter referred to as the "Act") has been dismissed.

In short, the petitioner is the son of the deceased Nidhan Singh, who was insured under the Saral Shield Level Term Assurance Policy No.47003652707-UIN-111N066V01 for the sum assured of ₹20 lacs. Nidhan Singh died on 24.09.2014 and after his death an application under Section 22-C of the Act was filed by his widow Nirmal Kaur who also died during the pendency of the petition before the Lok Adalat and the present petition was pursued by the son of Nidhan Singh.

According to the petitioner, the policy holder died during the subsistence of the policy, whereas the respondents have alleged that the

deceased was guilty of suppression of material facts in the proposal form regarding his income and other insurance policies obtained by him. In this regard, the respondents tendered into evidence the affidavit of Neelam Singh, Senior Manager, Legal as Ex.RW1/A along with documents Ex.R1 to Ex.R8, by which they have tried to prove that during their enquiry, it has been found that the J-Forms obtained by Nidhan Singh were not issued by M/s Madan and Company and deceased Nidhan Singh had also obtained another policy of ₹50 lacs but did not disclose it in the proposal form.

On the other hand, the petitioner had tendered into evidence the affidavit of Harjit Singh as Ex.AW1/A and the affidavit of Jagmohan Singh Sarpanch as Ex.AW2/A along with other documents.

During the course of hearing, the Lok Adalat had found that the affidavit filed by the petitioner as Ex.AW1/A has not been signed by the deponent but surprisingly, the same has been attested by the Oath Commissioner. It has been observed that the proceedings before the Permanent Lok Adalat are summary in nature and the evidence tendered by the parties on oath can only be read into evidence, whereas the evidence tendered by the petitioner was not found to have been tendered in accordance with law because the affidavit tendered by him was not signed by the deponent.

Counsel for the petitioner has submitted that it is only a procedural mistake but the fact remains that the petitioner did not tender another affidavit, duly signed by the deponent, by referring it as a procedural mistake, before the Lok Adalat and as a result thereof, the Lok Adalat has rightly dismissed the application for want of evidence.

In my considered opinion, there is no error on the part of the Lok

Adalat in rejecting the claim of the petitioner on the aforesaid ground and hence, the present petition is hereby dismissed being denuded of any merit, though without any order as to costs.

September 28, 2018
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(Rakesh Kumar Jain)
Judge

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