

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

CWP No. 26246 of 2015 (O&M)
Date of Decision: 05.07.2018

NECTAR LIFESIENCES LTD.

...Petitioner

VS.

THE ORIENTAL INSURANCE COMPANY LTD. AND OTHERS

...Respondents

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

Present: Mr. Abhay Pal Singh Saini, Advocate,
for the petitioner.

Mr. Ashwani Talwar, Advocate,
for respondent No. 1.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner had obtained Standard Fire & Special Perils Policy No. 231203/11/2015/64 from respondent No. 1 w.e.f. 09.05.2014. There was a fire incident on 14.03.2015 which caused financial losses to the petitioner. The petitioner appointed his own surveyor in terms of regulations called Insurance Surveyors and Loss Assessors (Licensing, Professional Requirements & Code of Conduct) Regulations, 2000 (hereinafter referred to as 'the Regulations'). Thereafter, Insurance Company also appointed their surveyor. The petitioner has no confidence in the surveyor appointed by the Insurance company. It is submitted that even the integrity of the surveyor appointed by the Insurance Company has been doubted by the Supreme Court in a case. He has, thus, submitted that instead of surveyor appointed by the Insurance Company, if any other surveyor is appointed then the petitioner would not have any objection.

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Learned counsel for respondent No. 1 has submitted that the Insurance Company would remove the said surveyor appointed in this case and appoint another surveyor. It is however, submitted by learned counsel for both the parties that a direction may be issued to Insurance Regulatory and Development Authority (for short IRDA) to appoint another surveyor in this case so that all the doubts of the petitioner may be removed.

After hearing learned counsel for the petitioner and after taking into consideration the aforesaid facts and circumstances, the present petition is hereby disposed of with a direction that the respondent No. 1 shall remove the present surveyor from this case immediately and would request the insurance IRDA to appoint another surveyor. The said request shall be made within a period of seven days from the date of receipt of certified copy of this order and IRDA is directed to appoint surveyor within a period of seven days thereafter so that the precious time which has been lost may not be lost further.

July 5, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

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