

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No.27147 of 2018

Date of decision: October 23, 2018

Rampal

...Petitioner

Versus

Chairman, The Permanent Lok Adalat and
Public Utility Service Ambala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Munish Mittal, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner Rampal has prayed for a writ in the nature of certiorari for quashing of Award dated 27.04.2018, passed by the Permanent Lok Adalat (Public Utility Services), Ambala, Camp Court at Karnal, to the extent that amount under the head of depreciation cost i.e. 15% has wrongly been deducted by the insurance company.

Order has been challenged on the ground that the Lok Adalat has wrongly deducted depreciation cost @ 15%, without considering the documents and the policy.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

It appears, petitioner Rampal is registered owner of truck No.HR-69-1975, insured with Iffco Tokio General Insurance Co. Ltd. The insurance company assessed value of the truck at Rs.7.00 lacs, at the time when policy was issued. Said truck was stolen near ITI Chowk, Kurukshetra on 03.11.2015. FIR No.534 dated 04.11.2015, under section 379 IPC was

registered regarding the said theft. After investigation, untraced report was submitted by the police on 18.01.2016. Petitioner submitted his claim with the respondent insurance company. Despite legal notice, the insurance company did not settle claim of the petitioner. Aggrieved, petitioner filed application under Section 22-C of the Legal Services Authorities Act, 1987 before Permanent Lok Adalat. The Forum, vide order dated 27.04.2018, accepted the application, directing respondent insurance company to pay a sum of Rs.6.00 lacs in lieu of loss suffered by the petitioner due to theft of his truck alongwith interest @ 6% per annum w.e.f. 26.11.2015 till actual payment and also to pay compensation of Rs.25,000/- on account of harassment and cost of litigation. Now petitioner has filed instant writ petition against deduction of 15% amount on account of depreciation.

I find no ground to interfere in writ jurisdiction. It is evident that vehicle was insured on 02.02.2015 and at that time, the insured value of the vehicle was assessed as Rs.7.00 lacs. The truck was stolen on 03.11.2015. As vehicle was stolen after more than six months, the depreciation cost @ 15% was rightly deducted by the insurance company as per its policy. The petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

October 23, 2018
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No