

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

CWP No. 28999 of 2018

Date of Decision: November 16, 2018

Bajaj Allianz Life Insurance Co. Ltd.

....Petitioner

Versus

Ashok Kumar Gupta and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr.Varun Chawla, Advocate
for the petitioner.

Rajan Gupta, J (Oral)

Petitioner-Insurance company has preferred this petition against the award passed by Permanent Lok Adalat, Karnal whereby it has directed to make payment of the insured amount of Rs 1,00,000/- within 45 days to respondent No.1. It has been urged before the court that there was a condition in the policy that patient had to remain admitted for more than 72 hours in order to enable him to claim compensation. It is evident that the insured-respondent No.1 suffered a cardiac arrest and was shifted to Maharaja Agrasen Hospital in Punjabi Bagh, New Delhi. He produced bills of medical expenses to the tune of Rs. 3,28,994/- and claimed reimbursement thereof. The company however, repudiated the claim relying upon certain clauses mentioned in the policy. On a petition being preferred before Permanent Lok Adalat, Karnal on the basis of documents, it found that respondent No.1 remained admitted in Maharaja Agrasen Hospital, Punjabi Bagh, New Delhi on 19.9.2014 vide IP No.1433522 and was discharged on 22.9.2014. It, thus, found that the requisition of claim

by the company was unsustainable. It, thus, directed that the insured amount of Rs.1,00,000/- be paid to respondent No.1 within 45 days, failing which, respondent No.1 would be entitled to interest at the rate of 12%.

I find no infirmity with the order. The reliance of Insurance company on certain exclusion clauses to deny legitimate claim needs to be depreciated. It is inexplicable why insurance company have posed a challenge to the well reasoned order passed by the forum. Petition is hereby dismissed with Rs.30,000/- as costs. Same be remitted to respondent No.1 within one month from today.

(Rajan Gupta)
Judge

November 16, 2018

BB

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No