

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

CWP No.30140 of 2018 (O&M)
Date of decision: December 17, 2018

United India Insurance Company Limited ...Petitioner

Versus

Anoop and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Satpal Dhamija, Advocate for the petitioner.

Rajan Gupta, J.

Petitioner company has prayed for a writ in the nature of certiorari for quashing of Award dated 19.03.2018, passed by the Permanent Lok Adalat (Public Utility Services), Rewari, whereby it has been directed to pay Rs.5,88,050/- to respondent No.1 on account of theft of his vehicle.

Order has been challenged by the Insurance Company on the ground that it was not liable to pay the claim as directed by the Lok Adalat, as respondent No.1 did not inform the petitioner company within time regarding the theft of his vehicle, which was in violation of the terms and conditions of the insurance policy.

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

It appears, respondent No.1 got his Mahindra Bolero vehicle bearing No.HR-66A-1107 insured from the petitioner company. Policy was

effective from 28.03.2012 to 27.03.2013. During the intervening night of 19/20.09.2012, said vehicle was stolen from Rewari from the house of his relative by some unknown person. FIR No.378 dated 20.09.2012, under Section 379 IPC was also lodged in Police Station Model Town, Rewari regarding the said theft. Police could not trace out the vehicle and untraced report was also accepted by the court. Respondent No.1 informed the petitioner company telephonically on 20.09.2012 regarding the theft of the vehicle. He also sent a registered letter to it on 5.10.2012. Despite completing all formalities by respondent No.1, no response was received from the insurance company. A legal notice was also sent on 20.10.2015. Ultimately, the petitioner company repudiated claim of respondent No.1. Aggrieved, respondent No.1 filed application under Sections 22-C of the Legal Services Authorities Act, 1987 before Permanent Lok Adalat. The said Forum, vide order dated 19.03.2018, accepted the application, directing petitioner company to pay the aforesaid amount to respondent No.1.

I find no ground to interfere in writ jurisdiction. Admittedly, the vehicle in question was insured with the petitioner company at the relevant time when it was stolen by some unknown person, which could not be traced out. The insurance company repudiated claim of respondent No.1 merely on the ground that there was delay in giving intimation to it. However, it was the stand of respondent No.1 that on the same day he telephonically informed the company. I am of the considered view that the reason given by the petitioner company for repudiation of his claim was not justified. Moreover, delay in intimating the insurance company cannot be the only ground to reject the claim. The Forum has, thus, rightly directed

the petitioner company to pay the assured amount to respondent No.1. The petition is without any merit and is hereby dismissed.

December 17, 2018
'Rajpal'

(RAJAN GUPTA)
JUDGE

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No