

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

CWP No.9481 of 2018
Date of Decision:04.10.2018

New India Assurance Co. Ltd.

. Petitioner

Vs.

M/s Swami Automobile Private Limited and another

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: - Mr.Vinod Gupta, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed to challenge the award dated 16.3.2017 passed by the Permanent Lok Adalat (Public Utility Services), Union Territory, Chandigarh [for short 'the PLA'] by which the application filed by respondent No.1 under Section 22C of the Legal Services Authorities Act, 1987 [for short 'the Act'] was allowed and the repudiation of claim by the petitioner vide its letter dated 16.3.2017 was set aside and it was directed to honour the claim of the applicant.

Learned counsel for the petitioner has submitted that the cover note was issued on 24.9.2013. Accident took place on 26.9.2013 but it is not denied that the cheque was issued by the petitioner towards consideration of the policy on 26.9.2013 itself which was encashed on 28.9.2013. It is submitted that since the payment of the consideration has been made by respondent No.1 itself on the date of accident, therefore, the insurance company is not liable.

After hearing learned counsel for the petitioner and keeping in view the facts and circumstances, I am of the considered

opinion that there is no error in the impugned order passed by the PLA because the cover note issued by respondent No.1 was valid from 24.9.2013 to 23.9.2014. The premium of a sum of ₹14,494/- was paid by cheque dated 26.9.2013. The accident took place on 26.9.2013 and the cheque was encashed on 28.9.2013. Thus in view thereof, there is hardly any merit in this petition for the purpose of interference.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

04.10.2018

Vivek

Whether speaking /reasoned : *Yes/No*

Whether Reportable : *Yes/No*