

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-20389-2019 (O&M)
Date of Decision: 25.07.2019

Bahdur Singh

--Petitioner

Versus

The Permanent Lok Adalat & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Rajat Garg, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioner has filed the instant petition assailing the order dated 6.5.2019 (Annexure P-1) passed by the Permanent Lok Adalat (Public Utility Services), Fatehgarh Sahib and in terms of which an application preferred by the petitioner herein for settlement of an insurance claim has been dismissed.

Counsel would submit that the truck-tralla bearing registration no. NL-02L-2218 was insured with the respondent-New India Insurance Company Ltd. and such insurance policy was valid up to 1.7.2016. On 3.7.2015 while the truck in question was proceeding from Chunni Kalan, district Fatehgarh Sahib to Narkanda ahead of Shimla in Himachal Pradesh, an accident occurred and the truck fell into a deep gorge. It is submitted that the truck was completely damaged and even the petitioner herein suffered a number of injuries.

Since the claim put forth by the petitioner before the insurance company was not being settled, an application was filed before the Permanent Lok Adalat for settlement of the insurance claim of Rs.6,70,000/-.

It is argued that the application filed by the petitioner has been dismissed only on the ground that on the relevant date there was no valid Fitness Certificate issued by the competent authority. Heavy reliance has been placed upon documents at Annexures P-3 and P-4 to assert that the competent authority in the State of Nagaland had issued the Certificate of Fitness dated 2.7.2015 and such documents have been ignored by the Permanent Lok Adalat.

Having heard counsel for the petitioner at length, this Court is of the considered view that there is no merit in the instant petition and the same deserves to be dismissed.

Perusal of the impugned award would reveal that a claim having been lodged with the insurance company, an inquiry was got conducted even as regards the Fitness Certificate upon which the petitioner was relying. An Investigator had been deputed and an application was made even to the District Transport Officer, Dimapur (Nagaland) and which was responded to vide documents adduced on record as Ex.R-9 stating that the Fitness Certificate is fake and forged.

That apart, the accident is stated to have occurred on 3.7.2015 in the State of Himachal Pradesh. The Fitness Certificate is claimed to have been issued one day prior thereto i.e. on 2.7.2015 from the State of Nagaland.

In the considered view of this Court, the insurance claim set up on behalf of the petitioner has rightfully been repudiated by the insurance company.

The impugned award dated 6.5.2019 (Annexure P-1) is founded on valid and cogent reasoning.

No interference in the matter is warranted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

25.07.2019

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No