

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

CWP No. 11955 of 2021

Date of Decision: July 07 , 2021.

The Oriental Insurance Company Ltd.

...Petitioner

Versus

Daulat Ram and another

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: - Mr. Ashwani Talwar, Advocate,
for the petitioner.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL. J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

The petitioner-Oriental Insurance Company Limited has filed this petition challenging award dated 05.03.2021 passed by the learned Permanent Lok Adalat (PLA), Union Territory, Chandigarh on various grounds. Learned PLA, while allowing the application under Section 22(C)(1) of the Legal Services Act, 1987, filed by respondent No.1, directed the payment of Rs.43,655/-along with interest on account of theft of a scooter along with

Rs.5000/- each for mental agony, harassment and litigation charges.

Admittedly, the vehicle in question i.e., a scooter belonging to respondent No.1 was stolen. FIR in this respect was duly registered. The police authorities not being able to trace the vehicle, submitted an untraced report. Plea sought to be raised by the petitioner-insurance company is that there is a breach of condition of policy by the applicant/respondent No.1, inasmuch as the insured did not take all reasonable steps to safeguard the vehicle from loss or damage as per condition No.4 of the insurance policy. It is averred that first and foremost, applicant/respondent No.1 allowed his grandson, a minor, to use the scooter for going to school. Moreover, the applicant's grandson left the scooter with its keys therein, therefore there was negligence on the part of the insured, which entitled the insurance company to repudiate the claim.

Learned Tribunal while considering the entire facts and circumstances as well as evidence led before it, observed that applicant's grandson had parked the vehicle outside premises of the school near a park and due to heavy rains, he rushed to school. Factum of the keys left in the scooter has been denied by the applicant. Learned counsel urged that even if averments on behalf of applicant/respondent No.1 are accepted, in view of the negligence, the applicant would, at best, be entitled to only 75% of the claim in view of the settled position of law.

Learned counsel for the petitioner is unable to deny that the factum of theft of the vehicle is not denied. It is a matter of record that the amount involved is Rs.43,655/- alongwith interest, besides, Rs.5,000/- each on

account of mental agony and litigation charges. It has been held by the Hon'ble Supreme Court in **Haryana Dairy Development Cooperative Federation Limited v. Jagdish Lal, (2014) 3 SCC 156** that in many such cases money spent on litigation is far in excess of the stakes involved, besides, wasting valuable time and energy of the parties concerned as well as of the Court.

Keeping in view the petty amount involved, I do not find it a fit case for interference in exercise of writ jurisdiction.

This writ petition is, accordingly, dismissed.

Needless to say, question of law, if any, as may arise in this petition would be open for adjudication in appropriate proceedings.

07.07.2021
Vivek/om

(LISA GILL)
JUDGE

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