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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26247 of 2021
Date of Decision: 22.12.2021

United India Insurance Co. Ltd. and another

-Petitioners

Versus

Permanent Lok Adalat and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Harsh Aggarwal, Advocate,
for the petitioners.

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RAJ MOHAN SINGH, J. (Oral)

Petitioners have preferred this writ petition for the issuance of an appropriate writ, order or direction especially in the nature of certiorari, quashing the award dated 09.09.2021 passed by respondent No.1.

Respondent No.2 was having insurance policy from the petitioners. As per the policy, respondent No.2 got total sum insured upto $50,000 for his health w.e.f. 17.12.2017 to 01.02.2018. On 08.01.2018, respondent No.2 suffered heart attack while his stay in England. He was admitted in the hospital and he remained admitted there till 03.03.2018 as indoor patient. Pacemaker was installed on 08.03.2018. Arguments raised before the Permanent Lok Adalat was in relation to the ailment i.e. diabetes (mellitus) with which respondent No.2 was suffering before heart attack. The Permanent Lok Adalat did not accept the aforesaid contention on the premise that the petitioner did not lead any such expert evidence to show that the heart attack was in any way related to diabetes.

During course of arguments before this Court, learned counsel for the petitioners has raised a new argument that the petitioners were liable to reimburse the dues upto 01.02.2018 only and the dues towards pacemakers are beyond the date upto which respondent No.2 was insured. This argument is simply to be rejected as the same was never the ground before the Permanent Lok Adalat nor has any evidence being led in this context to show that the requirement of pacemaker arose only after 01.02.2018. The requirement of pacemaker arose only during currency of ailment for which respondent No.2 was hospitalized. The date of installation of pacemaker on 08.03.2018 can very well be appreciated that the installation was only after slight recovery of respondent No.2 from the heart attack.

Secondly, learned counsel for the petitioner submits that in view of disputed facts and bogus claim of respondent No.2, jurisdiction of Permanent Lok Adalat is ousted.

In my considered opinion, once the petitioner admits the currency of medical claim policy upto 01.02.2018, arguments with regard to its being bogus and placed with disputed facts cannot be entertained.

Dismissed.

22.12.2021 **(RAJ MOHAN SINGH)**
Jyoti Sharma **JUDGE**

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