

111

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

CWP No. 18221 of 2021

Date of Decision: 18.01.2022

CHOLAMANDLAM MS GENERAL INSURANCE COMPANY
LIMITED

-PETITIONER

VS

PERMANENT LOK ADALAT(PUS), KARNAL AND ANOTHER
-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Punit Jain, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through
video conferencing.

Petitioner has preferred this writ petition under
Articles 226/227 of the Constitution of India for the issuance of
an appropriate writ in the nature of certiorari quashing the order
dated 18.03.2020 passed by Permanent Lok Adalat- respondent
No.1.

Petitioner- Company issued a policy i.e. Health
Master Policy from 26.03.2013 to 25.03.2014 in favour of
respondent No.2 for a total sum assured/insured of Rs.4 lacs.

Respondent No.2 had suffered some medical expenses on account of disease i.e. Hepatitis C and thereafter, he claimed the insured amount from the Company.

Petitioner- Company declined the prayer on the ground that the claim of respondent No.2 had been repudiated on the ground that he was treated as out patient and was never hospitalized. According to General Exclusion Clause C-16, the claim under the policy can be repudiated if a patient is not hospitalized minimum for a period of 24 hours.

The Permanent Lok Adalat by referring to Health Claim Repudiation Letter Annexure R-1 held that as per the case of the petitioner- Company, respondent No.2 was admitted and cannot be treated as out patient. No evidence was led by the petitioner- Company in order to dilute the rigor of Health Claim Repudiation Letter Annexure R-1.

Learned counsel for the petitioner refers to Ex.P4, P5, P6 and P9 to contend that bills were issued on 10.07.2013 at 12.37 PM and 1.12 PM towards consultation fee of doctor. Then at about 3.07 PM, another bill was issued towards medicine and a certificate was issued by the doctor on 07.08.2013 to show that respondent No.2 was diagnosed as Hepatitis C positive and was required weekly injection besides blood testing of CBC and LFT.

Perusal of the aforesaid documents do not show the date and timing of admission and discharge of respondent No.2 in any manner so as to appreciate that respondent No.2 was never hospitalized as indoor patient.

Since no evidence has been led by the petitioner in order to refute its own document (Ex.R1), therefore, no indulgence can be given in the present writ petition.

Dismissed.

18.01.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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