

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

228

**CWP-8056-2021 (O&M).
Date of Decision: 16.11.2023.**

THE ORIENTAL INSURANCE COMPANY LTD.

... Petitioner

Versus

HARISH KUMAR AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Ashwani Talwar, Advocate,
Mr. Sahej Mahajan, Advocate and
Mr. Ashish Bhagat, Advocate, for the petitioner.

Mr. Ruhani Chadha, Advocate, for respondent No.1.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking quashing of the award dated 21.01.2021 (Annexure P-10) passed by the Permanent Lok Adalat (Public Utility Services), Rupnagar whereby the petitioner-Insurance Company has been directed to pay a sum of Rs.7,50,000/- to the insured respondent No.1-applicant on account of repair charges of the insured truck which met with an accident on 10.05.2019.

Learned counsel appearing for the respondent No.1-applicant contends that he has instructions to settle the dispute with the petitioner-Insurance Company for the amount as assessed by the Surveyor deputed by

the petitioner-Insurance Company. The net payable amount determined by the Surveyor was Rs.5,75,925/-.

It has, however, been informed by the counsel for the petitioner-Insurance Company that the above said amount of Rs.5,72,925/- included the tax component and that the respondent No.1-applicant never got the repairs of the vehicle done. Consequently, the tax component which was included in the assessment conducted by the Surveyor cannot be disbursed. If the aforesaid amount is reduced, the computation works out to Rs.4,53,645/-.

Learned counsel appearing for the respondent No.1-applicant/insured has no objection to the modification of the award dated 21.01.2021 (Annexure P-10) passed by the Permanent Lok Adalat (Public Utility Services), Rupnagar, to the above said amount as arrived at after deducting the tax component. It is further informed that a sum of Rs.3,75,000/- has already been disbursed in favour of respondent No.1-applicant/insured pursuant to the interim orders passed by this Court and that the balance amount is Rs.78,645/-.

Learned counsel appearing for the petitioner-Insurance Company undertakes to disburse the above said amount within a period of 04 week from today.

Accordingly, with the consent of the parties, the award dated 21.01.2021 (Annexure P-10) passed by the Permanent Lok Adalat (Public Utility Services), Rupnagar, is modified to the extent that respondent No.1-applicant is held entitled to a sum of Rs.4,53,645/- in total towards full and final satisfaction of the claim. The balance principal amount along with

interest due thereupon as awarded by the Permanent Lok Adalat (Public Utility Services), Rupnagar, be released in favour of respondent No.1-applicant/insured within a period of 04 weeks from today.

The present petition is disposed of accordingly with the above said modification.

November 16, 2023.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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