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

**CWP-28400-2017 (O&M)
Date of decision: 08.11.2023**

Baljit Singh

....Petitioner

Versus

Oriental Insurance Company Limited & Ors.

....Respondents

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

Present: Mr. Vijay Rana, Advocate
for the petitioners.

Mr. S.S. Sidhu, Advocate
for respondents No.1 to 3.

None for respondent No.4.

VINOD S. BHARDWAJ J. (Oral)

Prayer made in this writ petition is for setting-aside the impugned award dated 23.08.2017, passed by the Permanent Lok Adalat, Patiala had repudiated the claim of the petitioner qua the medical bills of Smt. Surinder Kaur, wife of the petitioner.

When the matter came up for hearing before this Court on 14.12.2017, the contention of the petitioner was noticed to the effect that in the event, his claim is not eligible for being disbursed by the respondent/Insurance Company, the original medical bills submitted by him along with his claim application be returned to him so that he may pursue reimbursement thereof with the Government Departments.

Notice of motion, in the abovesaid contention of the petitioner, was issued to the respondent/Insurance Company, in reference to the medical bills itself.

A written statement dated 15.05.2019 had been filed on behalf of respondents No.1 to 3 wherein, the specific stand of the respondents, is as under:-

*“6. That the demand of return of the original documents allegedly as per Annexure P-15, P-16 were never received by the answering respondents, however, the reply to the legal notice was sent vide letter dated 25.04.2016 vide which it was informed to provide the better particular/proof of deposit of subject document so that same could be traced out and handed over to the petitioner and the petitioner is advised to collect the original available from the concerned office of the insurance company, but neither the petitioner contacted the concerned office at Rajpura nor has replied back giving better particulars of the subject documents resulting which no further action could be taken on his request for return medical documents. **The original claim filed of claim of Rs.5,93,532.90/- for the hospitalization for the period 20.11.2012 to 30.11.2012 as well as the original file of claim of Rs.38,338/- for hospitalization of 24.10.2012 to 28.10.2012 was handed over to the petitioner during the proceedings in the application of the petitioner in the Permanent Lok Adalat (PUS), Patiala. It is admitted case of the petitioner that he is entitled to reimbursement of medical expenses incurred by him for the treatment of his spouse.***

Counsel for respondents No.1 and 2 contends that the original documents/medical claim bills had been returned to the petitioner during the course of proceedings before the Permanent Lok Adalat and that the respondent/Insurance Company is no more in possession thereof.

Even though, counsel for the petitioner disputes that there is no record pertaining to return of the documents in original to the petitioner, however, he fairly submits that the said aspect would be a disputed question of fact. It is also noticed that even though the aforesaid written statement had been filed way-back on 15.05.2019, however, no rejoinder/replication controverting the factual aspect highlighted by the respondents had been filed.

Taking into consideration that disputed questions of facts have been raised in the present petition, the prayer made by the petitioner for return of the original medical bills cannot be adverted to at this juncture, the present petition is accordingly disposed of, at this stage with liberty to the petitioner to pursue his alternative remedies for seeking the return of the documents/any other alternative relief including and not restricted to compensation, in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

08.11.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No