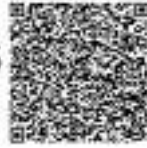


2024.PHHC.167475



IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

210

CWP-4319-2020 (O&M)
Date of Decision: 13.12.2024

NEW INDIA ASSURANCE COMPANY LTD.

... Petitioner

VERSUS

MAHESH SHARMA AND ANR.

... Respondents

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

Present: Mr. Vipul Sharma, Advocate for
Mr. Paul S. Saini, Advocate for the petitioner.

Ms. Komal Sharma, Legal Aid
Counsel for respondent No.1.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the Award dated 22.11.2019
passed by Permanent Lok Adalat (Public Utility Services), Rupnagar, whereby
the Permanent Lok Adalat has directed as under:

“12. In view of discussion made above, we direct the respondents to pay Rs.3 lakh to the applicant as compensation for stolen vehicle. The respondents shall also pay to the applicant a sum of Rs.20,000/- as compensation for the mental agony and harassment caused to the applicant. The respondents shall also pay Rs.5,000/- to the applicant as cost of litigation. The respondents are also directed to pay to the applicant an interest upon the above said amounts @ 12% p.a. from the date of institution of this application till realization of the amounts. The applicant will co-operate and assist the respondents in transferring the R.C. of the vehicle in the name of the respondents. File be consigned.”

Aggrieved of the above, the petitioner-Insurance Company has approached this Court. While issuing notice of motion, the following order was passed:

“XXX XXX XXX

CWP-4319-2020 (O&M)

Learned counsel for the petitioner raises a limited challenge to the extent that interest of petitioner has not been protected by the learned Permanent Lok Adalat, Rup Nagar to the extent that release of the amount in question has not been made subject to completion of formalities by respondent no.1, especially with regard to transfer of ownership of the vehicle in question, in favour of the petitioner. Learned counsel has circulated a copy of letter dated 27.11.2020 asking respondent no.1 to come forward and complete those formalities but to no avail. A print out of letter dated 27.11.2020 be taken and attached with the file.

Notice of motion to respondent no.1 only, for 24.02.2021 to be limited extent as above.

Dasti as well.

Liberty is afforded to the petitioner to serve respondent no.1 through the counsel representing him before the learned Executing Court.

In the meanwhile, the amount in question to be released subject to completion of the formalities as mentioned in the letter dated 27.11.2020.”

Learned counsel for the petitioner contends that they have already deposited the awarded amount, but the formalities, as required, have not yet been completed and that the amount has not been withdrawn. He contends that the petitioner-Insurance Company would have no objection if the abovesaid amount is withdrawn subject to protecting its rights regarding submission of documents as required and conveyed to the respondent-applicant vide

communication dated 27.11.2020. The documents required to be supplied/ submitted as per the said communication are as under: -

1. Original R.C. of the vehicle No.PB-12-CE-3241 duly transferred in the name of New India Assurance Co. Ltd.
2. The letter of Subrogation and Undertaking.
3. Special Power of Attorney.
4. Indemnity Bond.
5. Second Key of the Vehicle.
6. NEFT/ECS/Bank Details.
7. Latest NCRB Report.

He further submits that so far as the requirement mentioned above at Sr. No.5 qua depositing of the second key of the vehicle is concerned, the same may be dispensed with, but the other documents are essentially required to be submitted.

Learned Legal Aid Counsel contends that all the documents have been furnished, however, she fairly concedes that the respondent-applicant has not been furnishing any instructions to her, and she also does not dispute that the submission of the original RC of the vehicle, other documents and personal details are to be furnished by the claimant himself and should not cause much difficulty in compliance thereof.

Taking into consideration the respective claims of the parties as also the submissions advanced, **the present writ petition is partly allowed.**

Resultantly, the Award dated 22.11.2019 (Annexure P-9) passed by the Permanent Lok Adalat (Public Utility Services), Rupnagar in Case No.58 dated 08.05.2018 is partly modified to the extent that the awarded

amount may be released subject to the respondent-applicant furnishing the documents, list of which is extracted above, except the second key of the vehicle in question.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

DECEMBER 13, 2024.
rajender

(VINOD S. BHARDWAJ)
JUDGE

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