



CWP-11757-2022

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

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CWP-11757-2022

Date of decision: 02.09.2024

Shriram General Insurance Company Limited**...Petitioner****Versus****State of Haryana & another****...Respondents****CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ****Present :** Mr. Sanjeev Kodan, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Arjun Atri, Advocate
for respondent No.2.**VINOD S. BHARDWAJ, J. (Oral)**

Challenge in the present writ petition is to the award dated 02.02.2022 (Annexure P-6) passed by the Permanent Lok Adalat, Public Utility Services, Gurugram.

Briefly summarized the facts of the present case are that respondent No.2-applicant is a registered owner of Dumper bearing registration No.HR-55D-7794 and it was insured with the petitioner-Insurance Company w.e.f. 20.06.2012 to 19.06.2013. It was averred that on 15.12.2012, the driver of the vehicle was plying the vehicle from Kama to Koshi. At about 5.00 am, the driver of the applicant stopped the vehicle at Kundka between Dhilawati-Udaka, to answer the call of the nature. He heard the engine of the vehicle being turned on and the vehicle being taken away. He tried to catch his vehicle but could not. Certain unknown person thus fled away with the vehicle of the applicant towards Kama. The driver made a telephonic call to the applicant and narrated the entire incident

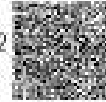
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whereupon he reached Kama and went to the Police Station for lodging of the FIR but police neither recorded the statement nor lodged any FIR. Accordingly, a complaint under Section 379 I.P.C was filed before the Illaqa Magistrate on 18.12.2012 (16th being a holiday). The same was sent under Section 156 (3) Cr.P.C to the police whereupon FIR No.8, dated 03.01.2013 was lodged in Police Station Kama by the orders of Illaqa Magistrate. Intimation about the loss was thereafter sent to the petitioner-Insurance Company on 07.03.2013, but the claim was declined on the ground that the intimation was sent at a belated stage.

Aggrieved thereof, an application was filed by the respondent-applicant before the Permanent Lok Adalat, Public Utility Services, Gurugram, for seeking reimbursement of the loss caused on account of theft of the vehicle.

The Permanent Lok Adalat, Public Utility Services, Gurugram, adjudicated the dispute after the conciliation efforts failed to fructify in a meaningful settlement and vide award dated 02.02.2022 allowed the application and directed the petitioner-Insurance Company to pay the IDV value of vehicle i.e. Rs.7,00,000/- within a period of three months from the date of award. Aggrieved thereof, the present writ petition has been filed.

Learned counsel for the petitioner-Insurance Company contends that he does not wish to press his first argument in relation to delay in intimation to the petitioner-Insurance Company about the theft of the vehicle and that he would rather confine his argument only to the effect that FIR No. 8 of 2013 registered at Police Station Kama, pursuant to the order passed by the Illaqa Magistrate, was investigated into by the police

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and a final report under Section 173 Cr.P.C, on conclusion of investigation, was filed specifically to the effect that a false report had been submitted by the respondent-applicant for seeking registration of the FIR. Despite opportunity having been extended by the Illaqa Magistrate to file protest petition/objection, the respondent-insured did not file any objection to the final report filed before the Court. The said final report was later accepted vide order dated 28.03.2017 passed by the Additional Chief Judicial Magistrate, Kama. The said order is attached and has not been denied or disputed by the respondent-applicant.

In reply filed by respondent No.2, the said investigation report has not been disputed and it is rather admitted the same as true and correct.

Since the entire claim of the respondent-insured/applicant was based on the theft of the vehicle and that on investigation the claim of the respondent-applicant, the same has been found to be false, there is no rationale for upholding the award passed by the Permanent Lok Adalat, Public Utility Services, Gurugram.

The present writ petition is, accordingly, allowed. The award dated 02.02.2022 passed by Permanent Lok Adalat, Public Utility Services, Gurugram, is hereby set aside.

02.09.2024**monika****(VINOD S. BHARDWAJ)****JUDGE**

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No