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

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**CWP-17815-2023 (O&M).
Date of Decision: 10.12.2024.**

MANJEET SINGH

... Petitioner(s)

Versus

**THE PERMANENT LOK ADALAT (PUBLIC UTILITY SERVICES),
PATIALA AND OTHERS**

... Respondent(s)

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

Present: Mr. Vishal Goel, Advocate,
for the petitioner.

Mr. Vinod Gupta, Advocate,
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition was to the order dated 04.07.2023 passed by the Permanent Lok Adalat (Public Utility Services), Patiala, vide which the execution application filed by the petitioner has been dismissed on the ground that the petitioner has not complied with the pre-existing conditions as imposed in the award dated 01.03.2023 passed by the

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Permanent Lok Adalat (Public Utility Services), Patiala in Application No.490 dated 12.09.2019.

2 Counsel for the petitioner contends that the petitioner had submitted an Application No.490 dated 12.09.2019 before the Permanent Lok Adalat (Public Utility Services), Patiala under Section 22-C of the Legal Services Authorities Act, 1987. The said application was allowed against respondents No.2 and 3 herein i.e. New India Assurance Company Limited which was held liable jointly and severally to pay a sum of Rs.3,74,000/- (IDV Rs.3,75,000/- minus Rs.1,000/- on account of compulsory excess clause) to the applicant-petitioner along with interest @ 9% per annum till its release along with Rs.25,000/- towards compensation for harassment etc. and Rs.11,000/- towards litigation expenses subject to twin conditions which are as under:-

- (i) The insurance company shall first settle the outstanding dues of the respondent finance company and thereafter the balance amount shall be remitted to the petitioner; and
- (ii) the petitioner shall also submit a letter of subrogation and cancelled registration certificate of the vehicle and hand over the same to the respondent insurance company.

3 He contends that the petitioner approached the finance company for issuance of a subrogation certificate, however, they refused to issue the same since their amount had not been cleared. Finding no way, he

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approached the executing Court, however, the executing Court dismissed the execution application on the ground that the condition for submission of letter of subrogation has not been complied with and therefore, the execution cannot be ordered.

4 Learned counsel appearing on behalf of the petitioner contends that the petitioner is ready and willing to deposit the letter of subrogation along with the cancellation of registration certificate in favour of the petitioner with the respondent insurance company and they may be directed to release the entire awarded amount in favor of the petitioner since he has already settled his claim with the finance company as a no due certificate has already been obtained by him from the finance company.

5 The aforesaid contention of the petitioner, however, is disputed by the counsel for the respondent insurance company.

6 Be that as it may, without commenting on the merits of the present case, the instant petition is disposed of with liberty to the petitioner to approach the respondents along with the subrogation certificate as well as the cancellation of registration certificate and other documents as required by the respondent insurance company to process the claim along with copy of the no due certificate obtained from the finance company. In the event of submission of such documents as were directed in the award passed by the Permanent Lok Adalat (Public Utility Services), Patiala, the awarded amount along with interest as ordered shall be released by the respondent

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insurance company within a period of four weeks of submission of such documents.

December 10, 2024.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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