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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4786-2025
Date of decision : 21.02.2025

TATA-AIG General Insurance Company Ltd. ...Petitioner

Vs.

Ajit Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Rajneesh Kumar Malhotra, Advocate
for the petitioner.

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ANUPINDER SINGH GREWAL, J.(Oral)

The petitioner has challenged the order dated 29.08.2024 (Annexure P-1) passed by the National Consumer Disputes Redressal Commission and order dated 25.02.2019 (Annexure P-9) passed by State Consumer Disputes Redressal Commission, whereby the complaint of the respondent has been allowed.

2. Learned counsel for the petitioner submits that there was delay of about four days in registering the FIR inasmuch as the alleged theft took place on the night of 09/10.08.2013 and FIR was registered on 14.08.2013, and the respondent did not respond to the notices issued by the company asking him to substantiate his claim. He further submits that the surveyor had opined that the keys which were submitted by the respondent to the petitioner-company were

not original keys and therefore, it is probable that the vehicle had been take away with the original keys with the knowledge and connivance of respondent No.1.

3. Heard.

4. The respondent No.1 is stated to have obtained a comprehensive Insurance Policy for his vehicle i.e. Truck-TATA (LPT-2518 6x2) (Year of Manufacture-2011) bearing registration No.HR-73-2114 from the petitioner for a sum of Rs.15 lacs on 18.07.2013. The truck is stated to have been stolen on the night of 09/10.08.2013, the FIR was lodged on 14.08.2013 and the police submitted an untraced report in the Court which was accepted by the Magistrate, Hodal.

5. The vehicle had been duly comprehensively insured with the petitioner-insurance company on the date it is stated to have been stolen and the respondent No.1 had lodged the FIR after four days, but that by itself would be insufficient to deny his claim especially when the police had thoroughly investigated the theft and filed untraced report before the Magistrate, Hodal as neither the accused nor the truck could be found. The report had been accepted, therefore, when the police had found that the theft too have taken place, the claim of the respondent cannot be rejected. The respondent No.1 had even informed the petitioner-insurance company about the theft on 11.08.2013 i.e. the next day itself.

6. Furthermore, the argument of learned counsel for the petitioner that the original keys were not handed over by the respondent to the company does not help the case of the petitioner inasmuch as it is possible that the original keys may have been lost or misplaced.

7. It is evident that respondent No.1 had been able to substantiate his claim for the vehicle having been stolen and had reported the matter to the police. The police investigation which indicated that the theft had indeed taken place would certainly prevail over the report of the surveyor appointed by the petitioner. The inability or failure of the respondent in replying to the notice sent by the petitioner cannot come in his way for claiming the loss on account of theft of the vehicle especially when it had been comprehensively insured with the petitioner-insurance company.

8. In the afore-noted facts and circumstances, we do not find any illegality in the orders of the Consumer Commission(s).

9. Consequently, the petition being devoid of any merit, stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

21.02.2025
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No