



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

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CWP-12439-2024

Date of decision:10.07.2025

SUKHWINDER KAUR

...Petitioner

Versus

PERMANENT LOK ADALAT RUPNAGAR AND OTHERS

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. H.S. Chaddha, Advocate
for the petitioner.

Ms. Suman Jain, Advocate with
Mr. Man Mohan, Advocate
for respondent No.2.

Mr. Rajan Singh Dadwal, Advocate for
Mr. Suraj Kaundal, Advocate
for respondent No.3.

KULDEEP TIWARI, J.

1. By filing the instant petition cast under Article 226/227 of the Constitution of India, the petitioner sought the issuance of writ in the nature of certiorari, for setting aside the order dated 21.03.2024 (Annexure P-1), passed by respondent No.1, whereby the application filed by the petitioner, under Section 22-C of The Legal Services Authorities Act, 1987, has been dismissed.
2. Petitioner's son has unfortunately died in a road side accident. The deceased was having a personal accident Insurance claim amounting to Rs.15 lakhs. The respondent-Insurance company paid the entire amount to



respondent No.3, who is a nominee in the insurance policy as was taken by the deceased. The petitioner considered her entitlement to the half of the amount, and filed an application before the Permanent Lok Adalat under Section 22-C of The Legal Services Authorities Act, 1987, hereinafter, referred as LSA Act. The application was dismissed vide passing impugned award dated 21.03.2024. The legality of the Award (supra), is put to challenge by filing the instant petition, as cast under Article 226/227 of the Constitution of India by invoking writ of certiorari.

3. Learned counsel for the petitioner submits that the petitioner being the mother of the deceased is entitled to atleast half of the share in the insured amount, which was disbursed to respondent No.3.

4. Before this Court embarks to adjudicate the instant matter, and tests the legality of the impugned award, lets have glimpse of the facts which are not in dispute.

5. In the instant petition, the son of the petitioner namely Amrik Singh, was married with respondent No.3, and out of the said wedlock, no child was born. Amrik Singh was owner of motor cycle bearing registration No.PB-12-W-7970, and during his life time, he got insured the said motor cycle with respondent No.1, vide policy No.352301311180100007990 for a period starting from 18.01.2019 to 17.01.2020, after depositing a premium of Rs.1332/- including the personal compulsory PA cover for driver, to cover the risk of Rs.15 lakhs of Amrik Singh. On dated 23.08.2019, unfortunately, the said Amrik Singh met with a road side accident and unfortunately died. Consequent thereof, an FIR No.241 dated 23.08.2019 under Sections 279, 304-A at Police Station Nalagarh H.P. was registered. The Insurance company was informed

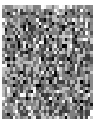


about the demise of Amrik Singh. The petitioner submitted all the necessary documents with the respondent-Insurance company, however, no amount was paid. Therefore, the inaction on the part of the Insurance company propelled the petitioner to file an application under Section 22-C of the LSA Act. The Insurance company did cause appearance before the Permanent Lok Adalat concerned, where they took a stand that the claim of the deceased Amrik Singh was duly processed, and entire insured amount of Rs.15 lakhs was paid to the wife of the deceased-Amrik Singh i.e. respondent No.3, and further submits that there is no deficiency on the part of the Insurance company, therefore, the applications under LSA Act, before Permanent Lok Adalat Court is not maintainable. Permanent Lok Adalat Court finds merit in the submissions of the Insurance company and finally dismissed the applications.

6. This Court has also considered the submissions made by the counsel for the parties concerned, and also examined the impugned award.

7. This Court does not find any illegality and perversity in the award passed by the Permanent Lok Adalat, as in case, the petitioner has any dispute with respondent No.2, with regard to her share in insured amount, she ought to have avail the alternate remedy, instead of approaching the Permanent Lok Adalat. The Permanent Lok Adalat would not be having a subject jurisdiction to decide the issue between the petitioner, and her daughter-in-law- respondent No.3. This issue could have been decided at a different forum, therefore, this Court is of the considered view that the application preferred by the petitioner under Section 22-C of LSA Act, is a misconceived notion.

8. Further, the dismissal order of the Permanent Lok Adalat Court does not carry any illegality or perversity requiring interference of this Court.



Therefore, the instant petition is **dismissed**. However, liberty is extended to the petitioner to avail alternate remedy, in case, grievance still survives.

9. At this stage, learned counsel for the petitioner submits that since the petitioner has approached the wrong forum, therefore, in case, she take recourse of alternate remedy, the delay would come her way.

10. This Court has considered the submissions made by learned counsel for the petitioner.

11. This Court is of the considered view that in case, the petitioner, within a month from today, take alternate remedies along with application of delay, this Court expect that her application of delay, would be considered sympathetically by considering the fact that the petitioner has approached the wrong forum at first instance.

(KULDEEP TIWARI)
JUDGE

10.07.2025
P.Bhatt

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