



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

115

CWP-6346-2026

Date of Decision: 28.04.2026

SUMAN

...Petitioner

Versus

PERMANENT LOK ADALAT FOR PUBLIC UTILITIES SERVICES
THROUGH ITS CHAIRMAN & OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Amit Khari, Advocate for petitioner

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of award dated 22.10.2024 whereby learned Permanent Lok Adalat, Panipat (for short 'PLA') has rejected her claim. She is further seeking compensation on account of death of her husband in a railway accident.

2. The petitioner is widow of Kuldeep Singh (insured). The insured purchased a vehicle insurance policy from the respondent No.2- Insurer. He paid premium of Rs.1,313/-. The sum assured was Rs.15,00,000/-. The insured passed away on 03.12.2021 due to injuries sustained in railway accident. The petitioner on the basis of insurance policy lodged her claim. The respondent examined the matter and formed an



opinion that the accident did not take place while the deceased was riding the insured motorcycle, thus claim is liable to be repudiated. Accordingly, petitioner's claim was rejected. She filed an application under Section 22C of 1987 Act before learned PLA which sought response of the respondent. Matter was tried to be reconciled, however, was finally adjudicated on merits. Learned PLA has concluded that the deceased passed away due to injuries sustained while crossing the railway crossing on foot, thus, claim has rightly been repudiated.

3. Learned counsel for the petitioner submits that learned PLA has wrongly rejected petitioner's claim. The insured has indubitably expired in an accident, thus, Insurance Company was liable to pay compensation.

4. Heard the arguments and perused the record.

5. Learned PLA has rejected claim of the petitioner on the ground that the accident did not take place while the insured was riding the insured motorcycle. Findings recorded by learned PLA read as:

"16. In the instant case, there is nothing on record which may even prima facie show that Kuldeep was driving or using the insured motor cycle at the time of accident. The police report simply states that Motor Cycle No. HR-05AN-0220 was found parked near the railway track. No damage was found to have been caused to the insured Motor Cycle. In fact Kuldeep deceased was crossing the railway track on foot negligently when he collided with the train and died at the spot. The mobile phone with damaged screen was also covered from the spot. Had Kuldeep (deceased) using or driving the motor cycle at the time of railway accident, heavy damage would also have been caused to the motor cycle. A



perusal of the inquest report shows that it was just a railway accident.

17. As per the GR 36 of Indian Motor Tariff Rules, personal accident cover is provided to the owner driver whilst driving the vehicle including mounting into/dismounting from or traveling in the insured vehicle as co- driver. In these circumstances, it can be safely held that insurance company is not liable to pay any compensation amount to the nominee or legal representative of the insured namely Kuldeep since deceased. The claim has been legally and- validly denied by the respondent insurance company as per terms and conditions of the insurance policy in question. The applicant is not entitled to any of the reliefs as prayed for by her in the present application.”

6. As per findings returned by learned PLA, the insured was not riding the insured motorcycle at the time of accident. The petitioner has failed to dispute the fact that insured was not riding the vehicle at the time of accident. As insured was not riding the vehicle, learned PLA has rightly rejected petitioner’s claim.

7. In the wake of above discussion and findings, this Court is of the considered opinion that petition deserves to be dismissed and accordingly dismissed.

8. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

28.04.2026
SDK

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