



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

CWP No.24984-2023(O&M)

Date of Decision: 05.05.2026

The Oriental Insurance Company Limited

....Petitioner

vs.

The Permanent Lok Adalat (Public Utility Services) Patiala and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rajiv Joshi, Advocate
for the petitioner

Mr. Deepak Aggarwal, Advocate
for respondent No. 2

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of award dated 20.07.2023 (Annexure P-6) passed by learned Permanent Lok Adalat (Public Utility Services) Patiala (for short "PLA") whereby claim of respondent No. 2 has been allowed.

2. The respondent-insured purchased an insurance policy from petitioner-insurer. He paid premium of Rs. 6960/-. The sum assured was Rs. 5,00,000/-. The respondent-insured on the basis of policy lodged claim. The petitioner examined the matter and formed an opinion that there was suppression of facts, thus, claim is liable to be repudiated. Accordingly, petitioner rejected his claim. The respondent-insured filed an application under Section 22C of 1987 Act before Ld. PLA which sought response of the



petitioner. Matter was tried to be reconciled, however, was finally adjudicated on merits. Ld. PLA has concluded that there was no occasion to repudiate applicant's claim, thus, petitioner has wrongly rejected the same.

3. Learned counsel for the petitioner submits that respondent-insured was suffering from heart disease. He suffered heart attack in 1994 and got treatment. The disease of respondent-insured fell within the purview of pre-existing disease and as per Clause 4.1 of the Policy, reimbursement is not permissible with respect to pre-existing disease up to 36 months of the Policy. The respondent-insured purchased Policy on 28.05.2016 and suffered heart attack on 29.01.2017 means within 36 months from the date of Policy. In the wake of exclusion clause, the respondent-insured was not entitled to reimbursement of medical expenses.

4. Learned counsel for respondent No. 2 submits that PLA has considered all these arguments. The respondent-insured suffered heart attack in 1994 and thereafter he lived a healthy life. He was not even taking treatment, thus, heart disease could not be treated as pre-existing disease.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that PLA has considered all the arguments of the parties and passed the impugned award in favour of the respondent-insured. The respondent-insured suffered heart attack in 1994 and thereafter lived a healthy life. He was not even taking treatment, thus, heart disease could not be treated as pre-existing disease. Contention of the petitioner that claim should be rejected on the basis of Clause 4.1 of the Policy is mis-conceived. The petitioner is not claiming that insured was availing treatment during the currency of Policy or prior



thereto. The treatment was availed in 1994 which cannot be contemplated as 'pre-existing disease'. Said Clause cannot be invoked mechanically. Facts of each case should be examined.

7. Section 22E of Legal Services Authorities Act, 1987 provides that award passed by learned PLA shall be final and binding on all the parties. The award cannot be called in question in any original suit, application or execution proceedings. Section 22E reads as:-

“22E. Award of Permanent Lok Adalat to be final.

—(1) Every award of the Permanent Lok Adalat under this Act made either on merit or in terms of a settlement agreement shall be final and binding on all the parties thereto and on persons claiming under them.

(2) Every award of the Permanent Lok Adalat under this Act shall be deemed to be a decree of a civil court.

(3) The award made by the Permanent Lok Adalat under this Act shall be by a majority of the persons constituting the Permanent Lok Adalat.

(4) Every award made by the Permanent Lok Adalat under this Act shall be final and shall not be called in question in any original suit, application or execution proceeding.

(5) The Permanent Lok Adalat may transmit any award made by it to a civil court having local jurisdiction and such civil court shall execute the order as if it were a decree made by that court.”

It is factually and legally correct that award passed by learned PLA can be examined in writ jurisdiction, however, mandate of Section 22E cannot be ignored. The award can be examined in writ jurisdiction if there is



manifest procedural or fundamental error or PLA has passed award beyond its jurisdiction. There is no such argument or allegation in the present case. Learned PLA has passed impugned order after following prescribed procedure and granting opportunity of hearing.

8. A Constitution Bench in **Syed Yakoob Vs K.S. Radhakrishnan, AIR 1964 SC 477** and a two judge bench of the Hon'ble Supreme Court recently in **Central Council for Research in Ayurvedic Sciences and another Vs Bikartan Das and others 2023 SCC Online SC 996** have reminded us that there are two cardinal principles of law governing issuance of writ of certiorari under Article 226 of the Constitution of India i.e. (i) High Court does not exercise the powers of Appellate Tribunal. It does not review or reweigh the evidence upon which the determination of the inferior tribunal purports to be based. It demolishes the order which it considers to be without jurisdiction or palpably erroneous but does not substitute its own views for those of the inferior tribunal. The writ of certiorari can be issued if an error of law is apparent on the face of the record; (ii) in a given case, even if some action or order challenged in the writ petition is found to be illegal and invalid, the High Court while exercising its extraordinary jurisdiction thereunder can refuse to upset it with a view to doing substantial justice between the parties. It is perfectly open for the writ court, exercising this flexible power to pass such orders as public interest dictates & equity projects. The High Court would be failing in its duty if it does not notice equitable consideration and mould the final order in exercise of its extraordinary jurisdiction. Any other approach would render the High Court a normal court of appeal which it is not.



9. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals. Error of jurisdiction includes order by inferior court or tribunal without jurisdiction or in excess of it or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or improperly, as for instance, it decides a question without giving an opportunity to be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, High Court must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient



or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Article 226 of the Constitution to issue a writ of certiorari can be legitimately exercised.

10. In the wake of above discussion and aforecited judgment of Hon’ble Supreme Court, this Court does not find it appropriate to invoke its extra-ordinary writ jurisdiction.

11. Dismissed.

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

(JAGMOHAN BANSAL)
JUDGE

05.05.2026
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	