

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.3754 of 2018
Date of Decision: 13.03.2018

M/s Cholamandalam MS General Insurance Co. Ltd.

. Petitioner

Vs.

Devi Chand and others

. Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

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

RAKESH KUMAR JAIN, J.

The petitioner is the insurance company, aggrieved against the order dated 27.10.2016, passed by the Permanent Lok Adalat (Public Utility Services), Karnal [for short 'the PLA'], by which an application filed by respondent No.1 under Section 22C of the Legal Services Authorities Act, 1987 [for short 'the Act'] has been allowed and the petitioner has been directed to pay the insurance claim to respondent No.1 of ₹23,00,000/- with interest @ 9% per annum calculated from the date of filing of the petition i.e. 23.7.2015 till the date of payment besides the litigation expenses.

In brief, the respondent No.1 got a truck bearing No.HR-45B-0589 financed from respondent No.2 (IndusInd Bank Ltd.) and got it insured with the petitioner vide policy No.3379/00718776/000/00 for the period from 18.5.2012 to 17.5.2013 for IDV of ₹23,00,000/-. It is alleged that the said truck was stolen on 27.10.2012 by its driver and cleaner for which FIR No.500 dated 9.11.2012 under Sections 406/34 of the IPC was got registered at Police Station Jagadhri City, District Yamuna Nagar. The

petitioner was informed regarding theft of the truck on 14.11.2012. The petitioner has repudiated the claim of respondent No.1 on 2.4.2013 against which the respondent No.1 had filed an application under Section 22C of the Act before the PLA.

Learned counsel for the petitioner has submitted that respondent No.1 has committed a fundamental breach of the terms and conditions of the insurance policy as he did not inform regarding the theft of the truck, which took place on 27.10.2012, immediately to the police as the FIR was registered after 13 days and the insurance company was informed after 18 days.

I have heard learned counsel for the petitioner and after examining the available record and the impugned order, am of the considered opinion that there is no error in the approach of the PLA who has dealt with the issue raised by the petitioner thoroughly by referring to various precedents. Even otherwise, there is no substantial delay in the registration of the FIR as in such type of cases where the truck has been stolen allegedly by the driver and cleaner, the first reaction of the owners is to trace them and at last they would opt to register the FIR and inform the insurance company also.

Thus keeping in view the facts and circumstances of this case, I do not find any error in the impugned order for any interference.

Dismissed.

(RAKESH KUMAR JAIN)
JUDGE

13.03.2018

Vivek

Whether speaking /reasoned : Yes/No

Whether Reportable : Yes/No