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

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CWP-5258-2026

Date of Decision: 20.03.2026

M/s Oriental Insurance Co. Ltd. and another

...Petitioners

Versus

Ajit Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Sandeep Suri, Advocate for the petitioners
(through video conferencing)

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of award dated 28.07.2023 whereby learned Permanent Lok Adalat, Faridabad (for short 'PLA') has directed it to pay compensation of ₹10 Lakhs along with interest to the respondent.

2. Respondent No.1 got his truck, make Tata, bearing Registration No.HR-38T-0167, insured from the petitioner. As per terms and conditions of the policy, the insured was entitled to compensation of ₹10 Lakhs in case of loss of vehicle. As per respondent, the insured vehicle was robbed by miscreants on 26.05.2015. He lodged FIR on 30.05.2015 under Section 379 of Indian Penal Code, 1860. He served notice upon the petitioner seeking compensation on account of loss of vehicle. The petitioner rejected his claim on the ground that there is difference in the cause of loss of vehicle disclosed in the FIR and claim application. He approached learned PLA under Section 22C of Legal Services Authorities Act, 1987 (for short '1987 Act'). Learned



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PLA by impugned award has directed the petitioner to pay a sum of ₹ 10 Lakhs along with interest.

3. Learned counsel for the petitioners submits that as per FIR there was theft whereas respondent submitted before petitioner as well as learned PLA that his vehicle was robbed.

4. Heard the arguments and perused the record.

5. Relevant extracts of the findings recorded by learned PLA read as:

“15. We have heard the arguments of both the parties. Pursued the record. The applicant has pleaded that his truck TATA LPT Turbo Truck No HR-38 T-0167 was snatched by some miscreants on 26.05.2015 at 8:30 Pm, while the truck was returning from Kanpur to Faridabad. The IDV of the truck was Rs 10,00,000/-. The above truck was insured at that time from respondent. The claim for reimbursement filed by applicant was rejected by the respondent on the ground that the applicant has not disclosed the true facts to the insurance company. In FIR recorded at the police station, the applicant has informed the police that the above vehicle was stolen by some thieves at the above mentioned date time, and place. The above report is annexure A-7. The respondent has repudiated the claim only on this ground. The respondent has admitted that the above truck was insured with the insurance co. at the given date and time. The above vehicle has been lost. Thus the respondent has in their reply hinged only on this point. They have mentioned that in the claim form the applicant has mentioned that the criminals robbed the above vehicle from the driver while in FIR it is mentioned that the above vehicle was stolen by some persons. The applicant has explained that at the police station, the police officers mitigated the offence of robbery into theft. The applicant has no control over the police, so if the police officers have changed the nature of offence the applicant can't be blamed for it. The applicant in his claim form which is paper no Ex



A-6 has narrated that the vehicle in question was not stolen but snatched.

16. The respondent investigator investigated the occurrence and filed the report. During the investigation statement of applicant Ajit Singh was recorded which is Ex-R-8. In this statement the applicant has stated that the vehicle was robbed. The investigator's report is Ex R-12. Only on the basis of this report, the respondent has repudiated the claim. In reply no other ground for repudiation has been mentioned except this one of robbery/ theft. During the argument it was argued by the applicant that the vehicle had been lost. Whether this loss is due to robbery or theft, it is immaterial, because the applicant has lost his vehicle. The insurance company is liable to compensate the loss of the vehicle to the applicant. This is a deficiency in service on part of the respondent in not reimbursing the loss of the vehicle to the applicant. So in conclusion the application has to be allowed. The IDV of the vehicle was Rs 10,00,000/- (Ex A-2). So the respondent is liable to pay the above amount with 7% interest from the date of filling of this application i.e 03.03.2017.

17. The respondent has claimed that so far they have not repudiated the claim and the application is premature. But it is also true that the respondent has not paid the claim amount so far after a long gap of about 8 years. So the applicant for redressal of grievance has come to the Court for which he is entitled. Therefore the application deserves merit and is liable to be allowed. The respondent is liable to pay Rs 10,00,000/- to the applicant with 7% interest from 01.03.2017 which is the date of filing of this application. The respondent has not raised any other point. So the application has to be allowed.”

6. From the perusal of record, it is evident that there is no dispute with respect to insurance of the vehicle. There is further no dispute with respect to loss of vehicle. The petitioner is attempting to deflect from its responsibility on the sole ground that as per FIR, there was theft whereas

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complainant was claiming that his vehicle was robbed. Whether there was theft or robbery, however, there was loss of vehicle. The petitioner neither before the learned PLA nor this Court has produced any evidence to the effect that there was no loss of vehicle. Had petitioner been playing mischief, he would have pleaded before learned PLA that there was theft of his vehicle.

7. In the backdrop, this Court does not find any factual or legal infirmity in the impugned award dated 28.07.2023 warranting interference. The petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

20.03.2026
Mohit Kumar

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