

**CWP-29088-2024****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-29088-2024**Date of Decision : January 15, 2025****CHOLAMANDALAM MS GENERAL INSURANCE COMPANY
LTD.****-PETITIONER****V/S****PERMANENT LOK ADALAT (PUS) CAMP COURT, NARNAUL
AND ORS.****-RESPONDENTS****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI****Present: Mr. Vishal Aggarwal, Advocate
for the petitioner.***********KULDEEP TIWARI, J. (ORAL)**

1. The application (Annexure P-5) filed by the respondent No.2 found favour with the Permanent Lok Adalat, Public Utility Services, Camp Court at Narnaul and consequently the award dated 10.06.2024 (Annexure P-7) was passed, whereby, the petitioner has been directed to pay ₹ 30,00,000/- to the respondent No.2 along with interest @ 9% per annum from the date of filing of the application till realization. Moreover, the petitioner has also been directed to pay ₹ 31,000/- as compensation to the respondent No.2 on account of harassment and litigation expenses.

2. Fetching grievance from the award dated 10.06.2024, the petitioner has instituted thereagainst the instant writ petition.

3. The thrust of the arguments advanced by the learned counsel for the petitioner is that, since the report of the forensic investigation agency

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has not been taken into consideration by the author of the impugned award, hence the impugned order is rendered illegal.

4. Before evincing any opinion upon the merits/demerits of the instant petition, it is deemed apt to capture an overview of the factual matrix.

5. The respondent No.2 got the vehicle in question insured from the petitioner vide Policy No.3313/00189982/000/00 for the period w.e.f. 19.02.2019 to 18.02.2020. The vehicle in question was also got financed from the respondent No.3. On 17.03.2019, at about 02:00 a.m., the vehicle in question was going towards Toda Dariba and on its way, it met with an accident and caught fire due to short circuit. The respondent No.2 tried to inform about the accident on Number 100 and 101 but his call could not be connected. The respondent No.2 went to P.S. Patan and got registered DDR No.22 dated 25.03.2019 in respect of the accident. The petitioner was also informed about the accident on the same day, whereupon, a surveyor was appointed by it. The respondent No.2 provided all the relevant documents to the surveyor and applied for claim. However, when the claim of respondent No.2 was not settled, he filed an application under Section 22(C) of the Legal Services Authorities Act, 1987, which was opposed by the petitioner on the ground of maintainability. Moreover, the petitioner also pleaded that there is no deficiency in service on its part, rather it was the respondent No.2 who himself set ablaze the vehicle in question by pouring ignitable fire accelerants on it.

6. After considering the rival submissions of the parties, the

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Permanent Lok Adalat passed the impugned award by recording a specific finding therein that, there is no affidavit of the author of the forensic investigation report, which is relied upon by the petitioner to oppose the claim of the respondent No.2. The relevant findings are reproduced hereinafter:-

“16. The argument of the learned counsel for the respondent No.1 that the applicant himself had damaged the vehicle by pouring of ignitable fire accelerants, is also not convincing. No cogent or convincing evidence has been produced by respondent No.1 to prove this fact. The respondent No.1 has produced a report Annexure R3, alleged to be prepared by Dr. T.S.N. Murthy. The affidavit of Dr. T.S.N. Murthy has not been produced by the respondent No.1 to prove this report. Dr. T.S.N. Murthy had prepared the report on the asking of respondent No.1. In the absence of the affidavit of Dr. T.S.N. Murthy this report cannot be taken into consideration while considering the contents of the reply filed by respondent No.1. However the contents of this report can be considered against the respondent No.1 because the respondent No.1 has relied upon this report. From the perusal of the report Annexure R3 it reveals that the accident on 17.03.2019 is not in dispute. It is the specific contention of the applicant that the vehicle in question had struck with the tree and due to the impact there was a short circuit and the vehicle was totally burnt. Alongwith the report the respondent No. 1 has produced the photograph of the tree from which the truck had struck off. From the perusal of the photograph it reveals that the tree was totally damaged. Meaning thereby there was a force impact of the truck with the tree. No cogent or convincing evidence has been produced by the respondent No.1 to substantiate the fact that the applicant himself had poured ignitable fire accelerants on the vehicle. Apart from the report Annexure R3 there is no other documentary evidence on file to prove this fact. No F.I.R. was got lodged by respondent No.1 against the applicant regarding the

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alleged illegal act of the applicant. Why the applicant would get his vehicle fired himself without any reason. In these circumstances we are of the considered opinion that the applicant did not pour any ignitable fire accelerants on the vehicle rather it appears that the vehicle got fired due to short circuit as the vehicle got struck with the tree.”

7. This Court has perused the impugned award, however, does not find any illegality or perversity therein. This Court concurs with the finding rendered by the Permanent Lok Adalat that, in the absence of any affidavit sworn by the author of the forensic investigation report, the veracity thereof is surrounded by clouds of suspicion, and as such, no reliance can be placed thereon for rejecting the claim of the respondent No.2. Other than the forensic investigation report, there is no other documentary evidence to substantiate the claim of the petitioner that, the vehicle in question was deliberately set ablaze by the respondent No.2.

8. In summa, the instant writ petition is **dismissed** being devoid of merits. The impugned award is upheld.

January 15, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No