

(2014) 04 P&H CK 0027
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 7261 of 2014

Deputy Divisional Manager (PLI)	Vs	APPELLANT
Permanent Lok Adalat (Public Utility Services) and Others		RESPONDENT

Date of Decision : 22-04-2014

Acts Referred:

Legal Services Authorities Act, 1987 — Section 22-C(7)

Citation : (2014) 176 PLR 33

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Advocate : Namit Kumar, Advocates for the Appellant

Judgement

Ritu Bahri, J.—Challenge in this petition is to the Award dated 15.11.2013 (Annexure P-3) passed by the Permanent Lok Adalat (Public Utility Services), Sonapat-respondent No. 1, whereby respondent No. 2 has been held entitled to a sum of Rs. 2/- lacs. Husband of Smt. Neelam-respondent No. 2 had purchased four policies under the scheme "Rural Postal Life Insurance" from the Deputy Divisional Manager, Karnal. He had been making premium regularly till 27.06.2011. However, he died on 29.06.2011. After the death of her husband, respondent No. 2 gave information in this regard to the petitioner and submitted her claim for payment of the insured amount. She had sent all the documents through registered post on 11.08.2011. The petitioner had admitted that Rattan Singh, husband of respondent No. 2, had purchased four policies worth Rs. 50,000/- each on 28.10.2010. The claim of respondent No. 1 was repudiated on the ground that her husband had committed suicide on 29.06.2011 i.e. within two years from the date of purchase of the policies and the claim could not be sustained as per the provisions of Rule 61 of the Post Office Life Insurance Rules, 2011. The said rule reads as under:-

"In the event of an insured person committing suicide any time after date of acceptance of the policy (whether sane or insane at that time) and after having paid his Ist premium in full but not after expiry of two years from the such date

of acceptance or payment of 1st premium wherever is later, the policy shall become void and no claim whatsoever shall be entertained by the department."

2. Further, clause 12 of the Terms of Contract of insurance policy (Annexure P-4) reads as under:-

"12. Suicide: in the event of an insured committing suicide any time from the date of acceptance of the policy but before completion of 2 years of the policy, then the policy will be treated as void and no claim will be entertained in regard to this policy."

3. Before the Permanent Lok Adalat, an attempt was made for a possible settlement between the parties under Section 22-C(7) of the Legal Services Authorities Act, 1987 (for short "the Act"), but to no avail. Subsequently, the Permanent Lok Adalat came to a conclusion that there was no evidence to prove that Rattan Singh had committed suicide.

4. As per the enquiry (Annexure P-5) conducted by the Assistant Superintendent Posts, Rattan Singh had committed suicide. As per the postmortem report (Annexure P-6), it was a case of Railway accident. The remarks given by the Medical Officer in the postmortem report are as under:

"In my opinion cause of death in this case was haemorrhage and shock and injury to vital organs like lung, liver, spleen and brain which were ante mortem in nature and sufficient to cause death in ordinary cause of nature. However, possibility of injuries caused by railway accident cannot be ruled out."

5. As per the report recorded by the GRP, Panipat (Annexure P-7), one passenger had been run over and died at the Railway track and Motorcycle No. HR06-8124 was at side.

6. None of the above three documents shows that it was a case of suicide. Even though the cause of death was that the deceased was run over by a train, yet it is not sufficient to come to a conclusion that it was a case of suicide. Therefore, the Permanent Lok Adalat, while exercising its jurisdiction, has passed the Award (Annexure P-3) in favour of respondent No. 2 and directed the petitioner to make payment of Rs. 2/- lacs to her. In the light of the above discussion, this Court is of the view that the impugned Award (Annexure P-3) passed by the Permanent Lok Adalat does not require any interference.

Dismissed.