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

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CWP-36167-2025

Date of Decision: 21.04.2026

United India Insurance Company Limited

...Petitioner

Versus

Darshana Rani and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. Nitin Gupta, Advocate for the petitioner

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Award dated 23.01.2025 whereby learned Permanent Lok Adalat, Ferozepur (for short 'PLA') has allowed respondent's application filed under Section 22C of the Legal Services Authority Act, 1987 (for short '1987 Act').

2. The deceased husband of respondent No.1 was a beneficiary under Bhagat Puran Singh Sehat Bima Yojana (for short 'Scheme'). He being below poverty line was granted Blue Card under the Scheme. The sum assured was ₹5 Lakhs. The deceased met with an accident and succumbed to his injuries on 19.05.2017. Respondent No.1, on the basis of Scheme, lodged claim. The petitioner examined the matter and formed an opinion that there was mismatch in the name of insured in the Blue Card, thus, his claim is liable to be repudiated. Accordingly, the petitioner rejected her claim. Respondent No.1 filed an application under Section 22C of 1987 Act before



learned PLA which sought response of the petitioner. The matter was tried to be reconciled, however, was finally adjudicated on merits. Learned 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 in the Health Card, Harmej Singh was beneficiary whereas claim was lodged by wife of Mahinder Singh.

4. On being asked, learned counsel for the petitioner expressed his inability to point out whether any Harmej Singh exists and has lodged the claim.

5. Heard the arguments and perused the record.

6. The findings recorded by learned PLA read as:

“15. Mahinder Singh son of Sher Singh resident of village Rao Ke Hithar, District Ferozepur died in a road accident on 20.05.2017, as is made out from death certificate EX-A7. Rapat EX-A8 was got registered in this regard at PS Mamdot. Post Mortem examination of his dead body was conducted at Gobind Singh Medical College, Faridkot as per Post Mortem report EX A9. A card under BPSSSBY EX-A6 bearing No. 9304 3000 4180 34761 was issued in the name of Harmej Singh son of Sher Singh resident of village Rao Ke Hithar District Ferozepur. It is the claim of the applicant that this card was in fact issued in the name of her husband Mahinder Singh but inadvertently and due to typographical mistake, name Harmej Singh was typed/mentioned therein instead of Mahinder Singh. On examination of the evidence on the file, this contention of the applicant is proved to be correct. All other particulars i.e. father's name being Sher Singh village being Rao Ke Hithar on card EX-A6 match with voter identity card EX-A5 of Mahinder Singh. Even photograph on card



EX-A6 is of Mahinder Singh. There is no evidence on the file that any person by the name of Harmej Singh son of Sher Singh was resident of village Rao Ke Hithar. Applicant got/produced certificates of Balwinder Singh Sarpanch of Gram Panchayat, Village Rao Ke Hithar, and Chand Singh Nambardar of village Rao Ke Hithar, that no person by the name of Harmej Singh son of Sher Singh was resident of village Rao Ke Hithar. Even otherwise, the most important evidence could be the record/file prepared by the respondents before issuance of card EX-A6. In spite of moving of applications by the applicant so as to direct to the respondents to produce such record/file of Harmej Singh son of Sher Singh or Mahinder Singh son of Sher Singh, same was not produced by the respondents. Such record must be in their possession and of not producing the same and rather withholding the same requires that an adverse inference be drawn against them. It is not in dispute that cards under BPSSSBY were issued to the persons, who were living below poverty line. Under BPSSSBY, in case of death of head of the family or in case of 100% disability, an amount of Rs. 5,00,000/- is payable by the respondents to the family of the deceased. Merely because the card was mistakenly issued by mentioning the name as Harmej Singh instead of Mahinder Singh, applicant cannot be denied the said benefit under the BPSSSBY. So far as the question of limitation is concerned, Mahinder Singh died on 20.05.2017. Application in hand was moved on 22.12.2020 i.e. after 3 years, with delay of 7 months and 2 days. In "Suo Motu Writ Petition (Civil) No. 3 of 2020, Hon'ble Supreme Court of India" held that in computing the period of limitation for any suits/appeals/applications or proceedings, period from 15.03.2020 to 28.02.2022 shall stand excluded for the purpose of limitation, as may be prescribed under any general or special laws in respect of all judicial or quasi-judicial proceedings. It is further held that in case, where limitation would have expired during the period between 15.03.2020 till 28.02.2022, notwithstanding the actual



balance period of limitation remaining, all persons shall have limitation period of 90 days from 01.03.2022.”

7. The petitioner has failed to point out that there existed Harmej Singh besides Mahinder Singh and it was nothing more than a clerical mistake. The Scheme in question is a beneficial scheme and learned PLA has passed impugned order after examining documentary evidence besides oral submissions.

8. Section 22E of 1987 Act 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.”

9. It is factually and legally correct that award passed by learned PLA can be examined in writ jurisdiction, however, mandate of Section 22E

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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.

10. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

21.04.2026
Mohit Kumar

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