

GAHC010129782020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/3986/2020

SMT. ANJU DEKA
W/O LATE MULUK DAS, R/O VILL-MADHYAM KHANDA, NORTH
GUWAHATI, DIST-KAMRUP, ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY, MINISTRY OF FINANCE,
DEPARTMENT OF FINANCIAL SERVICES, NEW DELHI

2:THE INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY
JEEVAN TARA BUILDING
FIRST FLOOR
SANSAD MARG
NEW DELHI-110001

3:THE INSURANCE OMBUDSMAN
GUWAHATI
S.S. ROAD
NEAR PANBAZAR OVER BRIDGE
GUWAHATI-781001

4:THE CIGNA TTK HEALTH INSURANCE COMPANY LIMITED
401/402 RAHEJA TITANIUM WESTERN EXPRESS HIGHWAY
GOREGAON (EAST)
MUMBAI-40006

For the Petitioner (s) : Mr. J. Sarmah, Advocate.

For the Respondent (s) : Mr. R. Goswami, Advocate.
Mr. S. Dutta, Sr. Adv., IRDA.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER**

13.10.2023

The writ petition has been filed by the Petitioner being aggrieved by the non-settling of the claim of an amount of an amount Rs. 15 lakhs by the Respondent No.4 on account of the death of the policy holder in the road traffic accident.

2. When the matter came up before this Court on 25.09.2023, Mr. R. Goswami, the learned counsel appearing on behalf of the Respondent No.4 had verbally submitted that the Respondent was willing to settle the matter with the petitioner.

3. Taking into account the above, this Court directed the Respondent No.4 to file an affidavit in that regard. Accordingly, on 10.10.2023 an affidavit was filed by the Senior Manager-Legal of the Respondent No. 4. Paragraphs Nos. 2, 3, 4, 5 and 6 of the said affidavit being relevant are reproduced hereinunder :

2. That the above-mentioned writ petition registered as W.P.(C) No. 3986/2020 has been filed for non payment of Insured sum of Rs.15,00,000.00 against Policy No. LPGPAD000000001 issued by Cigna TTK Health Insurance Company Limited for the death of policy holder in a road traffic accident.

3. That when the writ petition had come up for orders on 25.09.2023, the Respondent No. 4 submitted that as per instructions from the Company they are willing to settle the matter with the Petitioner. So the Hon'ble Court directed the Respondent No. 4 to file and affidavit in this regard.

4. That the Respondent No. 4 states that the claim was not repudiated and the Petitioner was also informed that the claim would be settled only after the receipt of the documents within a period of 180 days. This Condition was basically to enable the Respondent No. 4 complete the investigation and formalities. However in the

meantime the petitioner has approached the Insurance Ombudsman who has rejected the complaint petition.

5. That the Respondent No. 4 states that the Respondent is now in a position to settle the claim as per the terms and conditions of the policy since they have received the documents required for settlement of the claim.

6. That the Respondent No. 4 is now ready to settle the claim at the amount of Rs. 15,00,000.00(Rupees Fifteen lacs only) as mentioned in the policy and will pay the amount of Rs. 15 lakhs within 6 weeks of the receipt of the order of the Hon'ble Court.

4. Taking into account the above stand of the Respondent No. 4 to the effect that the Respondent No. 4 would pay an amount of Rs.15 lakhs within 6 weeks from the date of receipt of the order passed by this Court, the Court therefore disposes of the instant writ petition directing the Respondent No. 4 to pay the amount of Rs. 15 lakhs to the Petitioner within 6 weeks from today.

5. The Registry is directed to serve a copy of the instant order to Mr. R. Goswami, the learned counsel appearing on behalf of the Respondent No. 4 to effect due compliance.

6. With the above observations and directions, the petition stands disposed of.

JUDGE

Comparing Assistant