

Court No. - 3

Case :- WRIT - C No. - 37759 of 2023

Petitioner :- Nirmal Chauhan

Respondent :- Union Of India And 5 Others

Counsel for Petitioner :- Vikash Chandra Tiwari, Nitin Sharma

Counsel for Respondent :- A.S.G.I., Ashish Agrawal, R.V. Pandey

Hon'ble Siddhartha Varma, J.

Hon'ble Manoj Bajaj, J.

Instructions filed today be kept on record.

Petitioner and her husband Sri Bhupendrda Kumar had taken a home loan from the Bank of India, Branch Supertech Rameshwar S.H.O., H-1, Kaushambi Ghaziabad for an amount of Rs.21,67,656/-, but unfortunately, husband of the petitioner died on 31.10.2021. The loan of the petitioner's husband was insured with the Star Union Dai-Ichi Life Insurance Co. Ltd.-respondent no.5. The petitioner was depending upon the insurance, however, the claim was declined on 16.05.2022. Thereafter, the petitioner has approached the District Consumer Dispute Redressal Forum, Ghaziabad against the respondent no.5.

Learned counsel for the petitioner submits that the claim is numbered as Complaint No.470 of 2022 and the case has reached at the stage where the evidence of the respondent was being recorded. Learned counsel for petitioner, therefore, states that if there are no adjournments, there is every possibility that the case would be decided within a period of one month.

Under such circumstances, we direct the District Consumer Dispute Redressal Forum, Ghaziabad-respondent no.6 to decide the Complaint No.470 of 2022, Smt. Nirmal Chauhan and others

Vs. M/S Star Dai-Ichi Life Insurance Co. Ltd., within a period of one month from the presentation of certified copy of this order. We are also of the view that the petitioner should file a reply to the notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 within a period of two months and the respondent bank would consider the reply of the petitioner sympathetically.

With these observations, the writ petition is disposed of.

This order was passed in the presence of Sri R.V. Pandey, learned counsel for respondent Bank.

Order Date :- 9.11.2023

P.S.Parihar