IN The HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5203 of 2015

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Ranjan Kumari, D/O Late Satya Narayan Yadav, Resident of Village- Manikpur, P.S.- Madhepura, District.- Madhepura.

.... Petitioner/s

Versus

1. Zonal Manager, Life Insurance Corporation of India through East Central Zonal Office, Patna.
2. Senior Divisional Manager, Life Insurance Corporation of India, Division Office, Begusrai, District- Begusarai.
3. Branch Manager, Life Insurance Corporation of India, Saharsa, District- Saharsa.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Respondent/s : Mr. Rajeev Ranjan Prasad

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 23-07-2015 Heard counsel for the petitioner and Mr. Rajeev Ranjan Prasad for the respondent-Life Insurance Corporation (LIC).

The petitioner was the nominee in the insurance policy subscribed by her father. Her father was murdered for which two FIRs have been lodged; one by the petitioner and another by the full brother of the deceased. The petitioner raises a claim for payment of the dues under the said policy. Indisputably, the value of sum assured under the said policy has been paid to the petitioner. Dissatisfied with non payment of entire claim the petitioner approached this Court for payment of the double accidental benefits as per the stipulation of the insurance policy.

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Under the order of this Court, she approached the Insurance Ombudsman for resolution of her dispute. The verdict of the Insurance Ombudsman is part of the writ petition.

In this backdrop, the present writ application has been filed for a direction on the authorities of the respondent-LIC to make payment of her legal dues in the light of the order passed by the Insurance Ombudsman.

A counter affidavit has been filed on behalf of the respondent-LIC.

Mr. Prasad counsel for the LIC draws attention of the Court to the operative part of the award/order passed by the Insurance Ombudsman which is relevant and extracted herienbelow:-

> "After careful evaluation of all the facts and circumstances of the case, we are of the opinion that the complainant has failed to establish accidental nature of death of her father. The DAB under the policy can be settled only on getting definite proof regarding the cause of death, which is still not clear. We therefore direct the insurance company to get the Final Police Report in respect of FIR 42/10 lodged by the DLA's brother and make necessary investigation to take a final decision regarding the claim. They should complete the

exercise within 30 days of receiving the police final report."

It has been submitted on behalf of the respondent-LIC that the Insurance Ombudsman has not approved the claim of the petitioner. He further draws attention of the Court to the communication dated 29.06.2015 (Annexure-A to the counter affidavit) whereby the Senior Divisional Manager of the LIC, on an application filed by the petitioner, considered her claim for grant of benefit under the double accidental benefits and while rejecting the claim observed as under:-

"In case you are not satisfied with the above decision and feel that we have not considered any particular facts and circumstances in support of your claim, you may send your representation within 3 months for re-consideration of your claim to our Zonal Office at the following address."

Considering the above, the present writ application, in the opinion of the Court, is misconceived. No relief can be granted to the petitioner as noticed above.

Counsel for the petitioner submits that in the light of the said liberty granted under order dated 29.06.2015, the petitioner would approach the appropriate/competent authority in

accordance with law. He therefore seeks liberty to that effect.

While dismissing the writ application the said liberty is granted to the petitioner.

(Kishore Kumar Mandal, J)

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