

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3986 of 2015

=====

Sri Krishna Singh Son of Late Balkeshwar Singh, resident of Mohalla - Gajrarh
Gaurakshni, Sasaram, House, No. 267 ward No. 4, P.O. Sasaram, P.S. Sasaram,
District - Rohtas

.... Petitioner

Versus

1. The National Insurance Company Ltd. Kolkata through its Chief Manager,
National Insurance Company Ltd. 3 Middleton Street, Post Box No. 9229 Kolkata
2. The Regional Manager, National Insurance Company Ltd. Patna
3. The Branch Manager, National Insurance Company Ltd. A.P. House, G.T. Road,
Sasaram (Rohtas)
4. The Branch Manager, Bank of India, Sasaram
5. The District Transport Officer, Rohtas at Sasaram
6. The State of Bihar through the Principal Secretary, Department of Transport,
Govt. of Bihar, Patna

.... Respondents

=====

Appearance :

For the Petitioner	:	M/s. Ajay Kumar Thakur and Raghunandan Kumar Singh, Advocates
For Respondent NIC	:	M/s. Ashok Priyadarshi, Advocate
For Central Bank of India	:	Mr. Ashok Kumar Sinha, Advocate
For the State	:	Mr. Kaushal Kishor, A.C. to G.P.23

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-04-2015

I have heard learned counsel for the petitioner, the
National Insurance Company Ltd. and the Bank of India.

The petitioner is aggrieved by the decision of the
Insurance Company contained in Annexure-5 which is a letter dated
19th December, 2014 by which he has been informed that in the facts
and circumstances mentioned therein, the Insurance Company is not
in a position to keep the file pending and, as such, the claim filed has
been closed on no claim basis.

Learned counsel for the Insurance Company submits that the petitioner has approached this Court without availing the alternative remedy either before the Consumer Forum or before the Ombudsman appointed under the Redressal of Public Grievances Act, 1998. The Division Bench of this Court vide order dated 27th August, 2010 in L.P.A. No.167 of 2006 has laid down that Rules 12 and 13 thereof clearly vest necessary power in the Ombudsman to consider a complaint of the nature being raised by aggrieved person. The Division Bench had declined to intervene into the matter as it did not find merit in the submission raised advanced on behalf of the appellant that, if this Court has power under Article 226 of the Constitution, then it must exercise power in all cases even if there be any alternative statutory remedy available to the petitioner.

In such a situation, this writ application also stands disposed of with a liberty granted to the petitioner to either approach the Ombudsman under the aforesaid Rules or before the Consumer Form as advised.

(Dr. Ravi Ranjan, J)

N.H./-

U			
---	--	--	--