

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

CWP No.21981 of 2015
Date of Decision: 16.10.2015

K.K. Tomar

. . . .Petitioner

Versus

The Oriental Insurance Co. Ltd. and another

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.D.S. Gurna, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The prayer made in this petition is for a direction to the respondents to decide the claim of the hypothecated stock covered under the insured policy submitted by the petitioner as far back on 6.12.2012.

The grievance of the petitioner is that the respondents are not deciding his claim in spite of the legal notice served on 7.10.2013.

During the course of hearing, learned counsel for the petitioner has referred to the Redressal of Public Grievances Rules, 1998 [for short 'the Rules'] framed by the Central Government in terms of Section 114(1) of the Insurance Act, 1938, which are applicable to all insurance companies operating in general insurance business and in life insurance business. The objective of the Rules is to resolve all complaints relating to settlement of claim

on the part of the insurance companies in cost effective, efficient and impartial manner. There is an institute of Ombudsman under the Rules, who has been given power to receive and consider the claims in regard to delay in settlement as per Rule 12 of the Rules. It is submitted that the petitioner would seek remedy before the Ombudsman but his claim may not be rejected only on the ground of limitation/delay in terms of Rule 13(3)(b) of the Rules.

After hearing learned counsel for the petitioner and keeping in view the facts and circumstances, the present petition is hereby disposed of with liberty to the petitioner to approach the Ombudsman under the Rules by invoking his power under Section 12(1)(e) of the Rules. If such a complaint is made within a period of 15 days from today, the delay occurred therein shall be condoned by the Ombudsman and the complaint shall be decided on merits.

16.10.2015*Vivek***(RAKESH KUMAR JAIN)
JUDGE**