

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8989 of 2016

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Sabita Devi W/o late Shiv Narayan Singh Resident of Village and PO
Gokhula Via Deoriya. District- Muzaffarpur.

.... Petitioner/s

Versus

1. The National Insurance Company Ltd having its Head office at 3, Middleton Street, Kolkata -77000071 through its Chief Managing Director.
2. The Regional manager, National Insurance Company Ltd. Regional Office at Sone Bhawan, 4th Floor, Birchand Patel Marg, R Block Patna 800001 .
3. The Senior Divisional Manager, National Insurance Company Ltd. Divisional Office at P & T Chowk, Gaushala Road, Ramna District /Town Muzaffarpur.
4. The Branch Manager, National Insurance Company Ltd Branch Office at Bunni Market Kalyani Chowk, district and town- Muzaffarpur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Mukesh Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-07-2016 None appears on behalf of the petitioner.

Mr. Ashok Priyadarshi appears for the Insurance Company and raises preliminary objection as to the maintainability of the writ petition in view of the nature of the relief prayed.

The petitioner has come against the repudiation of the insurance claim under the personal accident policy of the respondent insurance company as communicated vide letter dated 31.3.2014, a copy of which is impugned at Annexure-16 to the

writ petition. Apart from the fact that an insurance claim is in the nature of money claim and which would require to be established by oral and material evidence even otherwise considering that the claim raised is against a personal accident policy, the petitioner has statutory remedy available to her but in the nature of the disputed issue involved in adjudication of such a claim, a writ is held not maintainable.

The writ petition is accordingly disposed of leaving it open for the petitioner to take recourse to the alternative remedy that is available to her in law, as advised.

(Jyoti Saran, J)

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