

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24209 of 2013

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Shiv Ratan Prasad son of Late Ram Jatan, resident of flat No. 303, CECON
Apartment, Behind J.D. Women's College, P.S.- Shastri Nagar, District- Patna
..... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Transport, Govt. of Bihar, Patna
2. Bajaj Allianz General Insurance Company Ltd., through its General Manager, Registered Office and Head Office- GE Plaza, Airport Road, Yerwada, Pune-411006
3. The Manager, Bajaj Allianz General Insurance Company Ltd., Munna Chowk, Kankarbagh, Patna
4. The District Transport Officer, Patna

..... Respondents

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Appearance :

For the Petitioner : Mr. Shanti Pratap, Advocate.

For the State : Mr. Manoj Kumar Yadav, AC to GA-10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-09-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for a
direction to the respondents to pay theft claim of the vehicle bearing
registration no. BR01PA 9831, which was insured by the respondent-
Insurance Company under Police No. OG-12-2416-1801-00002153.

3. Learned counsel for the petitioner submits that the
respondents have arbitrarily repudiated the claim of the petitioner by
letter dated 30.03.2013, citing negligence on the part of the driver of
the vehicle who had deliberately left the ignition key in the ignition
switch, thus leaving the vehicle in the drivable condition which directly
contributed to the theft of the vehicle.



4. Learned counsel for the respondent-Insurance Company raises a preliminary objection on the grounds of maintainability of the writ petition in view of various decisions of this Court passed in *LPA No. 410 of 2014 (Pramod Singh vs. The State of Bihar and Ors.)*, *C.W.J.C. No. 8989 of 2016 (Sabita Devi vs. The National Insurance Company Ltd., and Ors.)* and in the case of *M/s. Messina Beej Pvt. Limited vs. New India Assurance Comp. Ltd., 2011 (1) PLJR 646*, expressing the view that the writ petition of the present nature was not maintainable in view of the statutory remedy available.

5. This Court takes note that the petitioner has not specifically sought for quashing of the order dated 30.03.2013 (Annexure-5) by which the petitioner's claim has been repudiated. In any event if the petitioner is aggrieved by such repudiation, he may well seek redressal in accordance with any other statutory remedy available in accordance with law.

6. The writ petition stands dismissed with the above observation.

(Vikash Jain, J)

Md. Ibrarul/BT

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