

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15726 of 2015

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Bijay Kumar, son of Sri Hanuman Prasad, Resident of Village + P.O. + P.S. Nokha,
District Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through Home Police Department, the Chief Secretary, Govt. of Bihar, Patna.
2. The Regional Manager, Patna Regional Office, New India Insurance Company Ltd., Patna.
3. The Branch Manager, New India Insurance Company, Sasaram Branch, Sasaram.
4. The Superintendent of Police, Sasaram.
5. The S.H.O., P.S. Nokha, District Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh, Advocate
For the State : Mr. Sanjay Kumar Tiwari, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date: 03-10-2018

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

2. The present writ petition has been filed for quashing
the letter issued on 31.03.2013 by the Branch Manager, New India
Assurance Company Ltd., Patna Regional Office, whereby and
whereunder the insurance claim of the petitioner has been repudiated.

3. Learned counsel for the petitioner submits that the
grounds for repudiation of the insurance claim are completely
untenable and arbitrary.



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 aIndia 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. The writ petition accordingly stands dismissed with liberty to the petitioner to seek redressal in accordance with any statutory remedy as may be available in accordance with law.

6. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J.)

N.H./- Chandran

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	05-10-2018
Transmission Date	N/A

