

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16598 of 2015

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Kausalya Devi, W/o- late Jay Prakash Prasad, resident of Village and Post-Pahadiya, District - Kaimur.

.... Petitioner

Versus

1. Union of India through the Chief Post Master General, Patna, Bihar.
2. The Assistant Divisional Manager, Postal Life Insurance, Bihar Circle, Patna.
3. The Director, Postal Life Insurance, Patna, Bihar.
4. The Superintendent of Postal, Rohtas Division, Sasaram.
5. The Post Master, Post Office Pahadiya, District Kaimur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Bijay Shankar Choubey, Advocate

For the Respondents : Mr. S.D Sanjay (Addl. Soc. Gen.)

Mrs. Renuka Sharma, CGC

Mrs. Priya Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-09-2018

Heard learned counsel for the petitioner as well as learned
counsel for the petitioner.

2. The present writ petition has been filed for setting aside the order dated 28.07.2014 issued by the Assistant Divisional Manager, Postal Life Insurance, Bihar Circle, by which the claim of the petitioner for payment of insured money has been rejected.

3. Learned counsel for the petitioner submits that the respondents have arbitrarily repudiated the claim of the petitioner by letter dated 28.07.2014, on the ground that the husband of the petitioner died on 04.09.2012 due to disease as he had not regularly deposited the premium as well as interest of policy no. R-BHPT-EA-25855.

4. Learned counsel for the respondent-Insurance Company



raises a preliminary objection on the ground 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 28.07.2014 (Annexure-3) by which the petitioner’s claim has been repudiated. In any event if the petitioner is aggrieved by such repudiation, she may well seek redressal of her grievance in accordance with any other statutory remedy available in accordance with law.

6. It is made clear that in case such a petition 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.

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

B.T/Chandran

(Vikash Jain, J)

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