

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.21514 of 2013

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Lalita Devi, Wife of Late Murari Tiwari, Resident of Village - Sultanpur, Post - Dahabigha, P.S. Hilsa, District - Nalanda

.... Petitioner

Versus

1. The Union of India through the Chief Postmaster General, Patna
2. Chief Postmaster General, Bihar Circle, Patna
3. Assistant Divisional Manager, Postal Life Insurance, Directorate of Postal Life Insurance, Chankyapuri Post Office Complex, New Delhi
4. Assistant Divisional Manager, Postal Life Insurance, Bihar Circle, Patna
5. Superintendent of Post Offices, Nalanda, Bihar Sharif

.... Respondents

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Appearance :

For the Petitioner : Mr. Manish Kumar, Advocate

For the Respondents : Mr. Anjani Kr. Sharan, 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 respondents.

2. The present writ petition has been filed for quashing the letter dated 03.09.2013 issued under the signature of the Assistant Divisional Manager, Postal Life Insurance Bihar Circle, Patna, by which the claim of the petitioner for payment of the insurance amount has been rejected on the ground of lapse of the policy.

3. Learned counsel for the petitioner submits that Insurance policy being RPLI No. R-BH-PP-CWA-156459 was taken by the son of the petitioner in the name of her daughter-in-law, namely, Rajni Devi and in the aforesaid policy, the petitioner was made



nominee and premium for six months was deposited but in spite of payment of premium, policy document was not supplied to the policy holder. The policy holder suffered heart attack and died on 28.02.2009. After her death, the petitioner made claim for payment of the insured amount. However, the respondents have arbitrarily repudiated the claim of the petitioner by letter dated 03.09.2013, on account of lapse of the policy itself.

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 03.09.2013 (Annexure-13) 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.

(Vikash Jain, J)

B.T/Chandran

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