

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5303 of 2015

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Mirdesh Kumar, aged about 33 years, Son of Sri Baleshwar Yadav, resident of Village- Sita Kund Dih, Police Station- Dariyapur, District- Munger.

.... Petitioner

Versus

1. The Managing Director, SBI Life Insurance Company Ltd. having registered Office Natraj, M.V. Road & Western Express Highway Junction
2. The Regional Officer, SBI Life Insurance Comapany Ltd. 3rd Floor, 301 & 302 Kashi Place, Dak Bunglow Road, Patna.
3. The Branch Manager, SBI Life Insurance Company Ltd. having office at Ground and first floor, Krishna Kutir House No. 89 Ward No. 28, Bari Bazar, Munger, Police Station-Sadar Munger, District- Munger.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar Karna, Advocate.

For the Respondents : Mr. Bindhyachal Rai, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-10-2018

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

2. The present writ petition has been filed for the
following reliefs -

"1. Issuance of writ in the nature of certiorari for quashing the letter dated 27.09.2014 passed by Chief Manager (Claims) SBI Life Insurance Company Ltd. and letter dated 30.06.2014 passed by Head-Claims SBI Life Insurance Company Ltd. whereby and whereunder the respondent authority had rejected the death claim of the mother of the petitioner on the ground that the mother of the petitioner namely Late Sarita Devi was suffering from



heart disease and was taking treatment for the same prior to the date of commencement of policy which is illegal and not sustainable in the eye of law since the mother of the petitioner was not suffering from the heart disease at the time of the commencement of the policy which was assured by the respondent authority after taking all the formalities including the medical test of the diseased by his officer/agent through competent Medical Officer.

II. Issuance of direction to the respondent authority to grant the death claim of the petitioner for his mother whose life had been insured by the respondent authority after taking all the formalities.

III. Issuance of declaration that the letter dated 27.09.2014 passed by Chief Manager (Claims) SBI Life Insurance Company Ltd. and letter dated 30.06.2014 passed by Head-Claims SBI Life Insurance Company Ltd. is illegal and not sustainable in the eye of law since the respondent authority had passed the cryptic order without any valid reasons.

3. Learned counsel for the petitioner submits that the grounds for repudiation of the insurance claim are completely untenable and arbitrary. The insurance claim ought to have been admitted as the petitioner had submitted all the requisite documents as demanded by the respondents.

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. 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 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.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

