

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.21605 of 2013**

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Sunita Mishra Wife of Late Purshottam Kumar Mishra Resident of Balaram Township, Qtr No. 8/97, P.O. N.S. Nagar, Bharatpur, District Angul [Orissa] At Present Residing at Village Belauri, Via- Guthani, District- Siwan [Bihar]

.... .... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Government of Bihar, Patna
2. The Zonal Manager, Life Insurance Corporation Of India, East Central Zone, Jeevandeep Building 6th Floor, Exhibition Road, Patna
3. The Senior Divisional Manager, Life Insurance Corporation, Cuttack Divisional Office, Jeevan Prakash, Post Box No. 36, Cuttack [Orissa]

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. RAVINDER KUMAR SHARMA, Adv  
For the State : Mr. Swapnil Kumar Singh, AC to GP 19  
For the LIC : Mr. Sandeep Choudhary,  
Mr. Nilanjan Chatterjee, Advocates.

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 09-10-2018**

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

2. The present writ petition has been filed for directing the respondents to pay the death claim of husband of the petitioner who was a policy holder of Life Insurance Corporation of India's Jeevan Suraksha bearing No. 598086287 issued on 17.01.2011 from the Cuttack Division of LIC for an assured amount of Rs. 12,50,000/-.

3. Learned counsel for the petitioner submits that the husband of the petitioner was having an insurance policy of Life Insurance Corporation of India namely, Jeevan Suraksha bearing No. 598086287 issued on 17.01.2011 from the Cuttack Division of LIC for an assured amount of Rs. 12,50,000/- and the Insurance Company has rejected the



death claim submitted by her on death of her husband on 23.09.2011.

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 30.01.2013 (Annexure-4) 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)**

Chandran

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