

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14243 of 2013

=====

M/s Shree Pawansut Traders, a Proprietary concern having its place of business at Maroofganj, Patna City, P.S. Maalsalami, District Patna through its Proprietor, Sitaram Banka son of Late Shuam Sunder Banka, resident of Jhouganj, P.S. Chowk, Town Patna City, District Patna

.... Petitioner

Versus

1. The Oriental Insurance Company Limited, having its registered office & Head Office at A-25/27, Asaf Ali Road, New Delhi- 110002 through its Managing Director.
2. The Regional Manager, Regional Office, Oriental Insurance Company Limited, Pirmohani, P.S. Kadamkuan, Town and District Patna
3. The Divisional Manager, Oriental Insurance Company Limited, Uma Complex, 1st Floor, Frazer Road, P.S.- Kotwali, District Patna
4. The Branch Manager, Oriental Insurance Company Limited, Branch Office No. 4, Gangotri Complex, Main Boring Road, P.S. Shree Krishnapuri, Town and District Patna

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Akash Chaturvedi
Mrs. Sushila Agrawal, Advocates.
For the Respondents : Mr. Bimlesh Kumar Jha, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-09-2018

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

2. The present writ petition has been filed for quashing the order issued on 05.04.2013 by the Branch Manager, Oriental Insurance Company Ltd., Patna whereby and whereunder the 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 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 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	12.09.2018
Transmission Date	N.A.

