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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ **W.P.(C) 11556/2016**

SUKHPAL CHAUDHARY AND ORS ..... Petitioners

Through None.

versus

INSURANCE REGULATORY & DEVELOPMENT AUTHORITY AND ANR ..... Respondents

Through Mr Dipak K. Nag, Mr Ekansh Bansal, Advocates for R1.
Ms Renu Gupta, Advocate for Respondent No. 2.

CORAM:
HON'BLE MR. JUSTICE VIBHU BAKHRU

O R D E R

% **05.07.2018**

1. None appears for the petitioners.

2. The petitioners have filed the present petition, *inter alia*, praying as under:-

> **"**(a) to issue a writ, order and direction to the respondent no.1 to take up the complaints filed by the petitioners on 31.07.14 and disposed of the same by speaking order and / or
>
> (b) to pass necessary order and direction to the resp. no.1 to appraise the petitioners with the order if any passed in the complaints and / or the current position of said six complaints filed by the petitioners."

3. The petitioners state that petitioner no.1 had purchased six separate insurance policies in the name of his minor children. Two policies each were

purchased in the name of his two minor daughters and one policy each was purchased in the name of his two minor sons. It is claimed that petitioner no.1 was not explained the details of the terms and conditions of the policies in question. It is further asserted that petitioner no.1 had informed the insurance agent that he would be able to make only one time payment and he believed that the policies purchased by him did not require any further premium to be paid by him. It is claimed that petitioner no.1 was informed that the investment made by him would multiply manifold over the years. Petitioner no.1 claims that he was shocked to receive refund of small payment against the said policies even though he had taken no steps to surrender the same.

4. It is in the aforesaid context that the petitioners have made complaints to respondent no. 1, the Insurance Regulatory & Development Authority (hereafter 'IRDA').

5. Respondent no.2 (hereafter 'Max') has filed an affidavit disputing all allegations made by the petitioners. The learned counsel appearing for Max has also drawn the attention of this Court to the proposal form, which indicates that the agent was a family friend of petitioner no.1. The insurance agent has also filed a response before the IRDA stating that all terms and conditions of the policies had been explained to petitioner no.1.

6. It is apparent from the above that the disputes sought to be raised involve disputed question of facts which cannot be adjudicated in these proceedings.

7. The relief sought for by the petitioners for directing the IRDA to entertain the petitioners' complaints is also unmerited, as IRDA also does not conduct any investigation into disputed question of facts.

8. In view of the above, the present petition is disposed of leaving it open for the petitioners to institute appropriate proceedings with regard to their grievance.

VIBHU BAKHRU, J

JULY 05, 2018

pkv