

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12519 of 2018

1. Subhash Kumar Singh
2. Ramashish Singh,
3. Shashi Kumar @ Shashi Kumar Singh
All sons of Late Sri Krishna Singh, resident of Village and P.O.- Sondhila,
P.S. Buxar M, District Buxar.

... .. Petitioner/s

Versus

1. The General Manager, The Oriental Insurance Compnay Limited, "Oriental House" A-25/27, Asaf Ali Road, New Delhi-110002.
2. The Zonal Manager, the Oriental Insurance Company Limited, Bihar, Patna.
3. The Divisional Manager, the Oriental Insurance Company Limited, Muzaffarpur, Bihar.
4. The Branch Manager, the Oriental Insurance Company Limited, Madhubani, Bihar.
5. The Assistant/ Deputy/ Secretary, Office of the Insurance Ombudsman, Kalpana Arcade, 1st Floor, Bazar Samiti Road, Bahadurpur, Patna-800016.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr.Bimlesh Kumar Jha

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-08-2019 No one appears for the petitioners. Learned counsel
for the insurance company is present.

It appears that the petitioners in this case are aggrieved by the order dated 01.03.2018 passed by the Insurance Ombudsman refusing to entertain the complaint preferred by the petitioners on the solitary ground that the complaint being time barred the same is not entertainable. It appears that the insurance ombudsman is entertaining the complaints which are within one year from the date of last



denial.

Learned counsel for the insurance company submits that the writ application seems to be unwarranted inasmuch as despite the impugned order refusing to entertain the complaint by the insurance ombudsman, the petitioners can still avail their remedy whatsoever available to them under any other Statute such as Consumer Protection Act 1986 (as amended upto date).

In the given facts and circumstances of the case, this writ application is being disposed of with liberty to the petitioners to seek their remedy, if so advised, under the Consumer Protection Act before the competent forum within whose jurisdiction the cause of action has arisen to the petitioners. If the petitioners apply for a remedy under the Act of 1986 before the appropriate forum within a period of 30 days from today the same will be considered and in case any question of limitation arises for consideration the same will be considered keeping in view the period spent by the petitioners before the ombudsman as well as before this Court.

(Rajeev Ranjan Prasad, J)

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