

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12509 of 2018

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Siyamati Devi wife of Sri Jawahar Prasad resident of Village P.O. Garkha,
P.S. Garkha, District Saran at Chapra.

... .. Petitioner/s

Versus

1. The Union Of India through the Secretary, Ministry of Finance, Govt. of India, New Delhi.
2. The Secretary, Ministry of Finance, Govt. of India, New Delhi.
3. The Head Claims, State Bank of India Life Insurance Company Ltd, Central Processing Centre, VIIIth Floor Sind Nerul Road, New Bombay-400706
4. The Regional Director, S.B.I. Life Insurance Company Ltd. 6th Floor, Kamini Centre, Patliputra Boring Road, Near Pani Tanki, Patna.
5. The Authorized Officer, S.B.I. Life Insurance Company Ltd. 2nd Floor, J.P. Market, 16/783, Sri Nandan Patha, Municipal Chowk, District-Saran, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harsh Anuj

For the Respondent/s : Mr. Bindhayachal Rai

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-08-2019 Heard the parties.

It appears that the petitioner is aggrieved by and dissatisfied with the order dated 04.10.2017 communicated to the petitioner by the Head-Claims, SBI Life Insurance Co. Ltd. as contained in Annexure '3' to the writ application. By the impugned order the insurance claim of the petitioner has been rejected.

Learned counsel for the insurance company submits that the writ application is not fit to be entertained on the ground of an equally efficacious remedy available to the petitioner. It is



submitted that in terms of the provisions of the Redressal of Public Grievances Rules, 1998 (hereinafter referred to as the 'Rules of 1998') the Insurance Ombudsman would be competent authority to entertain a complaint against any partly or fully repudiated claim. The Ombudsman has power to get the complaint settled through mediation between the parties and/or pass an award in terms of Rule 15 and 16 of the Rules of 1998. In these conditions, it is submitted that the writ court under Article 226 of the Constitution of India need not entertain the present writ application particularly when no jurisdictional error or a case of violation of principle of natural justice or otherwise any reason has been shown to invoke the jurisdiction of this Court.

This Court is of the considered opinion that in the given facts and circumstances of the case, since the petitioner has an alternative efficacious statutory remedy of challenging the letter of repudiation before the Ombudsman, this writ application need not be entertained. The writ application is, thus, disposed off giving liberty to the petitioner to seek his remedy by filing a duly constituted complaint before the Insurance Ombudsman within a period of 30 days from today. If such a complaint is filed before the Insurance Ombudsman



within the aforesaid period, the same will be considered on its own merit and an order of award shall be passed within the statutory period.

(Rajeev Ranjan Prasad, J)

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