

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11388 of 2018

=====

Santosh Kumar S/o Markende Mishra, Resident of Village- Panchhaur, P.S.-
Riga, District- Sitamarhi.

... .. Petitioner

Versus

1. The Chairman, Life Insurance Corporation of India Maharashtra, District Mumbai City, Pin 400001.
2. The Chief Zonal Manager, Life insurance Corporation of India, Muzaffarpur Division, Muzaffarpur.
3. The Chief Manager, L.I.C Branch, Sitamarhi, Code No.533, Near Kiran Cinema Chauk, Near Lakhendrai Bridge, Sitamarhi.
4. The Branch Manager, Life Insurance Corporation of India Branch, Sitamarhi, Code No.533, Near Kiran Cinema Chauk, Near Lakhandei Bridge, Sitamarhi.

... .. Respondents

=====

Appearance :

For the Petitioner/s	:	Mr.Devendra Kumar, Advocate Mr.Pramod Kumar Verma, Advocate
For the Respondent/s	:	Mr.Om Prakash, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 14-08-2019 Learned counsel for the petitioner and the learned counsel for the Life Insurance Corporation of India (in short 'LIC') are present.

It appears that the petitioner is aggrieved by and dissatisfied with the order dated 27.04.2018 communicated to the petitioner by Manager (Claim) as contained in Annexure '1' to the writ application. By the impugned order the petitioner has been informed that as per policy condition Clause 10 the disability benefit cannot be allowed to the petitioner.

Learned counsel for the respondents-LIC 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)

vats/ved

U			
---	--	--	--

