

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13212 of 2018

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Rana Uday Pratap Singh Son of Late Ram Shobhit Singh Resident of Village
- Vimri, Post - Keshopur, P.S. - Sakra, District Muzaffarpur.

... .. Petitioner/s

Versus

1. Chief Regional Manager, National Insurance Company Ltd. Son Bhawan
Birchand Patel Marg, R.Block Chauraha, Patna.
2. Manager Senior, Division National Insurance Company Ltd., PNT Chowk,
Muzaffarpur.
3. Senior Branch Manager National Insurance Company Ltd. Muzaffarpur
Branch Office, J.K. Complex, Near Zenith Petrol Pump, Ramdayalu Nagar
Ltd., District-Muzaffarpur
4. Administrative Officer, National Insurance Company Ltd., Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Uday Prakash Shharma
For the Respondent/s : Mr.Ashok Priyadarshi

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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 18.04.2018 communicated to the petitioner by the Sr. Branch Manager, National Insurance Company Ltd. as contained in Annexure '9' to the writ application. By the impugned order the vehicle 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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