# HIGH COURT OF CHHATTISGARH, BILASPUR

## WPC No. 1503 of 2019

M/s Shri Shyam Food Products Having Its Office, At Banari, Tehsil Janjgir District Janjgir Champa, Chhattisgarh Through Its Proprietor Shri Abhisek Agrawal (Sultania), District : Janjgir-Champa, Chhattisgarh

**---- Petitioner**

**Versus**

1. The Oriental Insurance Company Limited Fire Tech Department, Head Office, Oriental House A- 25/27, Asaf Ali, Raod, New Delhi, District : New Delhi, Delhi
2. The Branch Manager Oreiental Insurance Company Limited, Champa Shanti Nagar, Opp. Railway Station Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
3. The Divisional Manager Oriental Insurance Company Limited Bus Stand, Korba Chhattisgarh.,

**---- Respondents**

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| For Petitioner | : | Mr. Ankit Singhal, Advocate |
| For Respondent | : | Mr. Raj Awasthi, Advocate |

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**26.04.2019**

1. Taking into the small issue involved, Mr. Raj Awasthi, Advocate who is present in the Court and who normally appears on behalf of the Oriental Insurance Company was requested to appear.

2. Heard.

3. The present petition is filed with a limited prayer that a claim was preferred as mishap of fire took place in the year 2016. The claim was preferred for the reason that lots of goods which were insured were gutted to fire in the said mishap causing loss. Subsequently, the claim from Insurance Company was made.

4. Learned counsel for the petitioner would submit that the pre-repudiation of the claim by the Insurance Company was made before the period actually expired by the letter. Therefore, *prima facie*, there was no application of mind and in a mechanical manner, the letter Annexure P/10 was issued.

5. The survey was made in respect of the claim and initially on 05.03.2019, the petitioner was served with a letter of pre-repudiation of claim by the Insurance Company which was served to him on 11.03.2019, asking his explanation for the grounds of rejection. In such letter, the petitioner was given two weeks' time which would expire on 25.03.2019. However, by Annexure P/10 dated 22.03.2019, the claim was repudiated even before the expiry of the time which was given to the petitioner.

6. Perusal of the letter dated 05.03.2019 (Annexure P/7) would show that the prerepudiation letter was issued to the petitioner on 11.03.2019 and therefore the expiry of period of two weeks would be on 25.03.2019.

7. Considering the same, it is directed that the Insurance Company shall reconsider the reply filed by the petitioner on 25.03.2019 which is filed as Annexure P/11 and shall adjudicate the same on its own merits. The prerepudiation of claim dated 22.03.2019 (Annexure P/10) is hereby quashed.

8. With above observations/ directions, the petition is disposed of.

**Sd/-**

**( Goutam Bhaduri )**
Judge

Vishakha / rao