

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2020

CORAM :

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Contempt Petition No.918 of 2020

And

Sub. Application No. 371 of 2020

R.Uma

...Petitioner/Respondent

Vs.

Mr.Rajnish Kumar – Chief Manager (Legal)

M/s. Reliance Nippon Life Insurance Company Ltd.

Having its registered office at

Reliance Centre, 5th Floor, Off Western Express Highway,

Santa Cruz East,

Mumbai – 400 055

...Respondent/Petitioner

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the respondent/Chief Manager (Legal), M/s. Reliance Nippon Life Insurance Company Ltd., having its registered office at Reliance Centre, 5th Floor, Off Western Express Highway, Santa Cruz East, Mumbai – 400 055, under Section 11 of Contempt of the Court Act 1971 for disobeying and disregarding the award passed on 28.12.2018 in Award No. 10/CHN/A/L/0115/2018-2019 in the complaint No. CHN/L/036/1819/0017 by the Insurance Ombudsman, Tamil Nadu & Puducherry confirmed by this Hon'ble Court on 07.02.2020 in W.P.No. 13080 of 2019.

Sub Application No.371 of 2020 filed under Section 151 CPC to direct the respondent to pay OMBUDSMAN Award amount along with the interest after deducting adjusted amount of Rs.3,08,768/-.

For Petitioner : Mr. S.B. Murugesan

ORDER

The contempt petitioner is the second respondent in W.P.No. 13080 of 2019. That Writ Petition was filed by M/s. Reliance Nippon Life Insurance Company Ltd., questioning an award of the first respondent, namely, the Insurance Ombudsman in No.IO/CHN/A/LI/0115/2018-2019 dated 20.12.2018. The Writ Petition came up for consideration before me and on 07.02.2020, the Writ Petition was dismissed.

2. It had been stated in the order that the claim of the writ petitioner seeking interference of the Court into the award passed has to be negated. The Writ Petition was dismissed. No further orders were passed.

3. If the petitioner herein seeks to enforce the award dated 20.12.2018 passed by the first respondent to the writ petition, then

<https://hcservices.ecourts.gov.in/hcservices/> necessary proceedings in accordance with the said rules governing the award

passed by the first respondent will have to be initiated. Contempt cannot be initiated and is certainly not a proper procedure to be initiated against the writ petitioner, who had suffered dismissal of the Writ Petition.

4. This Court grants every liberty to the petitioner herein to proceed in accordance with law as against the writ petitioner in the proper forum. If the issue of limitation arises, then the petitioner is at liberty to seek the advantage of Section 14 of the Limitation Act claiming *bona fide* prosecution in a Court without jurisdiction and the competent authority/court shall consider it in the proper perspective.

5. With the said observations, the Contempt Petition is dismissed. Consequently, connected Sub. Application is closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

vsg

//Certified to be true copy//

Dated at Madras this the day of 2020.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

SMI/30/12/2020