

02-03-2022
ct no. 13
Sl.32
sp

WPA 3256 of 2021
Dinanath Koley
Versus
Union of India & Ors.

(Via Video Conference)

Mr. Sanat Kumar Roy,
Mr. Abhishek Banerjee
...for the petitioner

Mr. Soumalya Ganguli,
...for the respondent nos. 2 and 3

The writ petitioner is aggrieved by order dated November 23, 2020 passed by the Insurance Ombudsman under Rule No. 16/17 of the Insurance Ombudsman Rules of 2017.

It is submitted that the order of Ombudsman is perverse since it does not take into consideration the fact that the driver of the offending vehicle has been convicted by the Sessions Court.

It appears from the award that the said fact was not brought to the notice of the Insurance Ombudsman. In any event, since the petitioner has appropriate remedy before a civil or statutory forum. This Court does not find fault with the impugned order.

This Court also cannot consider the claim of the petitioner against the Insurance Ombudsman since they involved disputed questions of facts. With liberty reserved to the petitioner to approach the civil

or other statutory forum as indicated hereinabove and by the Insurance Ombudsman, the writ petition shall stand disposed of without any order.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)