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ORDER SHEET

WPO/1366/2021

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

BHASKAR GHOSH
Versus
THE ORIENTAL INSURANCE COMPANY LIMITED & ANR.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : December 20, 2021.

[Via video conference]

Appearance:

Mr. Subrata Mukhopadhyay, Adv.

Mr. Shamit Sanyal, Adv.

For the petitioner.

Ms. Sucharita Paul, Adv.

For the respondents.

The Court:- The writ petitioner is aggrieved by an order dated 1st February, 2021 passed by the Oriental Insurance Company Limited. The said order was passed on the direction of a co-ordinate Bench dated 22nd December, 2020 in WPO No. 442 of 2020.

The essence of the grievance of the petitioner is that he has lodged a claim to the extent for a sum of Rs. 69,277/- which was honoured by the insurance company only to a limited extent.

Counsel for the petitioner Mr. Mukhopadhyay would argue that the order is completely devoid of reasons and too cryptic and hence does not constitute sufficient compliance of the order dated 22nd December, 2020 (supra).

Having considered the submission of the petitioner and having examined the records, the Court notes that assessing the propriety of the order dated 1st February, 2021 in the facts of the case would involve entering into disputed questions of fact as a large number of contractual obligations and the terms of insurance would entertain it which the writ court normally does not.

The decision of Sri Chand Mohan Saha Vs National Insurance Co. Ltd. being decision dated 16th February, 2010 in W.P. No.18057 of 2010 would have no application in the facts of the case.

In view of the above, the reserving right of the petitioner to approach an appropriate forum to seek redressal of his grievance against the respondents, the writ petition stands dismissed.

It is made absolutely clear that this Court has not entered into the merits of the claims and the contentions of the parties against one and other. Since the respondents are not used any affidavit-in-opposition, none of the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

(RAJASEKHAR MANTHA, J.)