

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8148 of 2022

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Anand Mishra @ Anand Kumar Mishra, Son of Bhogendra Mishra, Resident of Village - Bankatta, Post Office - Bankatta, Police Station - Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

1. The ICICI Lombard General Insurance Co. Ltd., through its General Manager, Office situated at ICICI Lombard House No. 414, Veer Savarkar Marg, Near Siddhi Vinayak Temple, Prabhadevi, Mumbai - 400025.
2. The Branch Manager, ICICI Lombard General Insurance Co. Ltd., Office situated at Second Floor Uma Complex, Frazer Road, Patna, Bihar - 800001.
3. The Manager (Sahil Automotives, Pvt. Ltd.) Show-Room Near Home, Railway Station Road, Mirzapur, Darbhanga.

... .. Respondent/s

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

Appearance :

For the Petitioner/s : Mr.Jay Prakash Sharma, Adv
For the Respondent/s : Mr.Durgesh Kumar Singh, APP

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-07-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“(i) For issuance of writ in the nature of mandamus commanding and directing the respondents to ensure payment of claim of the vehicle of the petitioner Gand-i-10;bearing Registration No. BR07AA6802 having policy no. 3001/H1-10926867/00/000, against claim no. MOTO8982268 which had not been paid to the petitioner without any valid and substantive reasons.

(ii) For issuance of writ in the nature of mandamus commanding and directing the respondents to pay the interest over the dues/claim, to the petitioner along with the

compassion for the unreasonable delay in making payment of the same.”

After the matter was heard for some time, learned counsel for the petitioner, under instructions, states that petitioner shall be content if a direction is issued to the **respondent no.2, Branch Manager, ICICI Lombard General Insurance Co. Ltd, Office situated at Second Floor, Uma Complex, Frazer Road, Patna**, to consider and decide the representation which the petitioner shall be filing within a period of four weeks from today for redressal of the grievance(s).

Learned counsel for the respondents states that if such a representation is filed by the petitioner, the authority concerned shall consider and dispose it of expeditiously and preferably within a period of four months from the date of its filing along with a copy of this order.

Statement accepted and taken on record.

As such, petition stands disposed of on the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the grievance(s);

(b) The authority concerned shall consider and dispose

it of expeditiously by a reasoned and speaking order preferably within a period of four months from the date of its filing along with a copy of this order;

(c) The order assigning reasons shall be communicated to the petitioner;

(d) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties;

(e) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(f) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(g) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(h) Liberty reserved to the petitioner to approach the appropriate forum/Court, should the need so arise subsequently on the same and subsequent cause of action;

(i) We have not expressed any opinion on merits. All issues are left open;

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA