

WPO 1827 of 2022
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SHRI MAHESH KUMAR PERIWAL
VERSUS
OFFICE OF INSURANCE OMBUDSMAN & ORS.

BEFORE:

The Hon'ble JUSTICE RAJASEKHAR MANTHA

Date : 6th April, 2022.

APPEARANCE:

Mr. Sirsanya Bandopadhyay, Adv.

Mr. Soham Kumar Roy, Adv.

...for the petitioner.

Mr. Shiv Shankar Banerjee, Adv.

Sk. Selim Malik, Adv.

Mr. Arijit Doss Mullick, Adv.

..for respondent no. 3

The Court :- The writ petitioner challenges an award dated 28th March, 2021 passed by the Insurance Ombudsman in complaint reference no. KOL-G-048-2021-0078. The complaint was against the National Insurance Co. Ltd. One of the grounds on which the award is challenged is that death claim of the petitioner's vehicle driver was honoured whereas the loss to the vehicle was repudiated by the insurance company. It is also argued that earlier claims made by the petitioner have been honoured on similar facts.

This Court notes that the issues raised by the petitioner are required to be dealt with by a proper trial on evidence.

In that view of the matter, this Court permits the petitioner to approach appropriate civil or other statutory forum to agitate grievances against the insurance company. The findings of the Ombudsman are only tentative and shall not be binding on the forum which may be approached by the petitioner.

With the aforesaid observations, WPO No. 1827 of 2022 is allowed and disposed of.

Since the respondents have not been called upon to file any affidavits, none of the allegations in the writ petition shall be deemed to have been admitted by the respondents.

(RAJASEKHAR MANTHA, J.)