

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8430 of 2014

Kanaka Muduli

....

Petitioner

-versus-

Manager, Reliance General
Insurance Co. Ltd. & Anr.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

10.11.2022

Order No

06.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Niranjana Lenka, learned counsel for the Petitioner and Mr. G.P. Dutta, learned counsel appearing for the Opp. Parties.

3. The present writ Petition has been filed with the following prayer:-

"It is therefore, prayed that this Hon'ble Court may graciously be pleased to admit the writ application, issue rule NISI in the nature of writ of certiorari or any other writ/writs as deem fit and proper calling upon the Opp. Parties to show-cause as to why they shall not be directed to settle the insurance claim of the deceased husband of the Petitioner namely Amntaryami Muduli in her favour, in respect of insurance certificate No. SI338-01832 vide Annexure-1 in her favour immediately.

In the event of the Opp. Parties fail to show-cause or show insufficient cause said rule be made absolute.

And further be pleased to pass any order/orders direction/directions as deem fit and proper.

And for this act of kindness the Petitioner shall as in duty bound ever pray."

4. It is submitted that even though the Petitioner has taken a valid policy, but the Opp. Party-Corporation is not settling the claim and accordingly the present writ Petition has been filed with the aforesaid prayer.

5. Mr. Dutta, learned counsel appearing for the Opp. Parties on the other hand submitted that since in the writ Petition the Petitioner never mentioned the no. of the policy, the Opp. Parties in absence of the policy no. could not settle the claim. But this Court finds that vide Annexure-1 to the writ Petition the policy in question was annexed and the policy no. is very much reflected in the said document.

6. Therefore, the stand taken by the learned counsel appearing for the Opp. Party-Company that in absence of the policy number the matter could not be settled is not acceptable to this Court.

7. However, taking into account the nature of prayer made in the writ Petition, this Court while disposing the writ Petition directs the Opp. Parties to settle the claim of the Petitioner as made in Annexure-4 to the writ Petition within a period of two (2) months from the date of receipt of this order with due communication of the result.

8. The writ Petition is disposed of with the aforesaid observation and direction.

(Biraja Prasanna Satapathy)
Judge

Sneha