

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.10702 of 2021
(Through hybrid mode)**

Shashibha Pandey and others ***Petitioners***

Mr. H.S. Satapathy, Advocate

-versus-

State of Odisha and others ***Opposite Parties***

Mr. A.K. Sharma, AGA
Mr. P.R. Barik, Advocate
Mr. S.P. Sarangi, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
15.09.2022

Order
No.
03.

1. Mr. Satapathy, learned advocate appears on behalf of petitioners and submits, prayer is for quashing rejection letter dated 26th March, 2019 denying double accident benefit claim. He draws attention to final report dated 29th April, 2018 in Unnatural Death case no. 149 of 2017 registered by Paradeep P.S.. He relies on a passage in the report, extracted and reproduced below.

“The cause of death is accidental. There is no suspicious of any foul play. Discussed with my IIC about the so far inquiry of the UD Case who directed me to returned the UD Case declaring to cause of death is accidentally. There is no suspicious any foul play.”

2. Mr. Barik, learned advocate appears on behalf of the insurance company and submits, his client has filed counter.
3. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of State and Mr. Sarangi, learned advocate appears on behalf of opposite party no.6.
4. Text of impugned rejection is reproduced below.

“The Competent Authority has denied the above DAB Claims, as per Police Final Report: The cause of death of deceased Satish Kumar Pandey is not accidental, hence DAB not Payable against the above policies.”

Above is clearly in conflict with the final report. In the circumstances, impugned rejection is set aside and quashed. The insurance company is directed to pay the double accident death benefit under the policy to petitioners within three weeks of communication. It is recorded that the sum assured has already been paid.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks