IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.39296 of 2021
(Through Hybrid mode)

Jagannath Das ... ***Petitioner***

Mr. S. S. Padhy, Advocate

-versus-

The Insurance Ombudsman, Odisha, BBSR and others ... ***Opposite Parties***

Mr. P. K. Parhi, ASGI
Mr. U. Jena, CGC

CORAM: JUSTICE ARINDAM SINHA

ORDER
29.07.2022

Order No.

03. **1.** Mr. Padhy, learned advocate appears on behalf of petitioner and submits, his client is unfortunate father of his deceased son. His son was working in the Central Reserve Police Force (CRPF). The son met with an accident on 4th June, 2019 and succumbed on 17th December, 2019. The insurance company by letter dated 22nd March, 2021 required his client, as follows:

> *"Please accept our deepest condolences on the untimely and sad demise of Mr. RANJIT KUMAR DAS With reference to the captioned claim lodged by you, we had requested you to submit the below list of documents via reminder letters:*
>
> *1. Annexure No.4:- REQUIRED*
> *2. Annexure No.4:- REQUIRED*
> *3. Annexure No.4:- REQUIRED*
> *4. Annexure No.4:- REQUIRED*

5. Annexure No.4:- REQUIRED

6. Post Mortem Report:- COMPLETE PM REPORT REQUIRED

We regret to place on record that, the requested documents have not been submitted till date and hence we presume that you are not interested in pursuing the claim.

In view of the above, the subject claim stands CLOSED in our records and we are treating this as an opportunity missed to serve you."

2. He submits, all information had been furnished to the insurer. There is clear statement in paragraph-3 that his son was under treatment and succumbed in the ultimately referred hospital. There is no post mortem report. Following from paragraph-3 is reproduced below:

"xxx xxx xxx During treatment, the son of the petitioner succumbed to the injury on 17.12.2019 morning at AMRI Hospital ICU and in absence of any contributory negligence requiring investigation, the jurisdictional police i.e. Nayapalli Police Station, Bhubaneswar recorded the incident in the Station diary no.016 dated 08.06.2019. After death, the body was handed over by the AMRI Hospital, Bhubaneswar to the // 3 // Page 3 of 3 CRPFofficials and cremation was held at Swargadwar, Puri, Odisha."

3. He hands up copy of letter dated 24th April, 2021 issued by opposite party no.5, complying with requisites in aforesaid requisition letter darted 22nd March, 2021, The letter be kept in the file. He submits, his client after having run from pillar to post, also approached

insurance ombudsman, who by letter dated 2nd August, 2021 asked for copies of documents and letter from bank confirming sum insured granted to account holder.

4. Mr. Parhi, learned advocate, Asst. Solicitor General of India appears on behalf of opposite party no.5 and submits, the insurance company and insurance ombudsman are to answer.

5. Service has been effected on other opposite parties. The insurance ombudsman has written a letter to Court seeking deletion of its name as struck out party. The office goes unrepresented as does the insurance company.

6. Prayer in the petition is for direction upon the ombudsman to decide petitioner's complain dated 1st April, 2021 supported by additional submission dated 17th May, 2021. However, in the circumstances of opposite party no.5 having had complied with requisition made by the insurance company, Court moulds relief to direct opposite party nos.3 or 4 or both, to deal with petitioner's claim on their requisites having been fulfilled by the employer, opposite party no.5. Said opposite parties will either pay out the claim within two weeks of communication or give reasons for repudiating the same. Further, requisition cannot be reason for repudiation. It is also made clear that in event of repudiation and subsequent challenge by

petitioner, if the challenge is upheld, the insurance company will be liable to also pay appropriate compensation.

7. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant