

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO.581 OF 2021

Universal Sompo General Insurance Co. Ltd. ..Petitioner
Versus
Union of India and Ors. ..Respondents

Ms. Kalpana R. Trivedi, for the Petitioner.
None for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 23rd JUNE, 2022

P.C.

1. Impugned in the petition is an award dated 30th September, 2020 passed by the Insurance Ombudsman, whereby the petitioner was directed to pay further amount of Rs.56,618/- after adjusting payment of Rs.20,000/- which is already paid by the petitioner against the liability of Rs.76,618/-.

2. The contentions of counsel for the petitioner are, the Ombudsman exceeded its jurisdiction thereby awarding aforesaid amount, as the impugned award goes contrary to the important policy and terms and conditions. She would claim that the eligibility towards the room charges was Rs.3,000/- and the deductions were not taken into account by the Ombudsman thereby fastening liability beyond the insurance coverage provided to the respondent No.3.

3. I have appreciated the said submissions.

4. The fact remains that the terms and conditions which are produced on record are not countersigned by the respondent No.3.

5. It appears that the amount insured in the insurance coverage was to the tune of Rs.3,00,000/- and the amount awarded by the Ombudsman is within such insurance coverage.

6. The claim that the respondent No.3 was eligible only to the extent of Rs.3,000/- towards room rent per day and also the other deductions were duly admissible is not substantiated or based on agreed terms between the respondent and the petitioner.

7. Even if it is claimed that the respondent No.3 has previous history which is not brought to the notice of the petitioner, it is difficult to connect that such previous history has given rise to the medical ailment alleged. In that view of the matter, no case for interference in the order impugned is made out.

8. The petition as such fails, dismissed.

[NITIN W. SAMBRE, J.]