

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

WRIT PETITION NO.1347 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 31st March, 2021 passed by the Insurance Ombudsman, whereby the petitioner was directed to pay an amount of Rs.61,134/- to the complainant towards full and final settlement of the complaint.

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 despite of submitting relevant documents and written submission in brief and specific terms and conditions of the policy issued by the petitioner and proved that respondent No.3 is not at all entitled for balance amount, respondent No.2 has passed the award. As such, the present petition.

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. The Insurance Ombudsman has rightly passed an award by observing that since there was total claim of the complainant is Rs.1,61,134/- and the petitioner/respondent is liable to pay over and above Rs.1,00,000/- i.e. Rs.61,134/- under the Top Up Policy. 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.]