

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23681 of 2019

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Dhananjay Tiwari Son of Shiv Bachan Tiwari, Resident of Village-Siladi, P.O. Darauli, P.S. Bhabhua, District Kaimur at Bhabhua. Petitioner/s

Versus

1. Life Insurance Corporation of India through the Chairman, Yogskshema, Nariman Point, Mumbai.
2. Zonal Manager, LIC of India, East Central Zonal Office, Jeevan Deep Building, Exhibition Road, Patna.
3. Senior Divisional Manager, Claims Department, Divisional Office-2, Jeevan Ganga Building, 4th Floor, Fraser Road, Patna.
4. The Branch Manager, Life Insurance Corporation of India, Branch-Sasaram, District Rohtas at Sasaram.
5. The Branch Manager, Life Insurance Corporation of India, Branch-Mohania, District Kaimur at Bhabhua.
6. The Insurance Ombudsman, State of Bihar and Jharkhand, Kalpana Arcade, First Floor, Bazar Samiti Road, Bahadurpur. Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Garg, Advocate
For the Respondent/s	:	Mr. Siddharth Harsh, Advocate
		Mr. Raj Dular Sah, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 02-01-2023

Petitioner has prayed for the following relief(s):-

“(i) For issuance of an appropriate writ writs, order orders, direction\ directions in the nature of certiorari for quashing the Award No. IOIPATIALI 0055\2019-2020 dated 12.09.2019(which was communicated to the petitioner through letter dated 16.09 2019) passed by the Insurance Ombudsman respondent no.6 whereby he dismissed the



complaint filed by petitioner for claim relates to Double Accident Benefit in short" DAB) under Policy No 519701916 to the life of Late Ghan Shyam Tiwari and affirmed the orders passed by respondent no.2 and 3.

(ii) For issuance of an appropriate writs, order/orders, direction! directions in the nature of certiorari for quashing of order dated 1.12.2017 passed by Respondent no.3 and order dated 31.3.2018 passed by respondent no 2 whereby he affirmed the order dated 1.12.2017 passed by respondent no.3

(iii) For issuance of an appropriate writ writs, order/orders, direction directions in the nature of mandamus directing the respondent authorities to pay the benefits of Double Accident Benefits to the petitioner under the policy No. 519701916 to the life of Late Ghan Shyam Tiwari.

(iv) For grant of any relief(s) the petitioner would be found entitled to in the facts and circumstances of the case.

The order dated 12.09.2019 (Page-19) passed by the Respondent No. 6, namely, the Insurance Ombudsman, State of Bihar and Jharkhand, Kappana Arcade, First Floor, Bazar Samiti Road, Bahadurpur, Patna needs to be quashed and set aside for the reason that neither the petitioner was heard nor informed of the date on which the proceedings were to be heard and decided. Notice of such proceeding was received by the petitioner on



19.9.2019 whereas the order was passed on 12.9.2019.

As such, on this ground alone, we quash and set aside the order dated 12.09.2019 (Page-19) passed by the Respondent No. 6, namely, the Insurance Ombudsman, State of Bihar and Jharkhand, Kappana Arcade, First Floor, Bazar Samiti Road, Bahadurpur, Patna.

The petitioner shall appear before the Respondent No. 6, namely, the Insurance Ombudsman, State of Bihar and Jharkhand, Kappana Arcade, First Floor, Bazar Samiti Road, Bahadurpur, Patna, on 16.01.2023 at 10:30 A.M., who shall, after hearing the parties, pass a fresh order in accordance with law.

Petition stands disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

Prakash/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

