

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.15100 of 2021**

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Saroj Devi, W/o Late Kamal Kumar, Resident of Kankarbagh Tampoo Stand  
Slam flat No. 200, P.S. - Kankarbagh, Patna- 20.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Finance Department Govt. of India, New Delhi.
2. That Chief General Manager General Insurance Company Ltd. Nagma House, 24 Park Street, Kolkata - 700016.
3. The General Manager, Magama HDI General Insurance Co. Ltd. Rajendra Ram Plaza, Exhibition Road, Patna - 800001.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------|
| For the Petitioner/s | : | Mr.Binod Kumar Pandey, Adv.    |
| For the Respondent/s | : | Mr.Dr. K. N. Singh ( ASG )     |
| For the Resp. No. 3  |   | Mr. Durgesh Kumar Singh, Adv.  |
|                      |   | Mr. Abhijeet Kumar Singh, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**  
**ORAL ORDER**

11      08-05-2024                      Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the  
following reliefs:-

“(i). That the illegal improper incorrect  
impugned order dated 05.01.2019 contained in  
Annexure-5 issued by Magama G.I.C. Ltd. may  
kindly be finally set aside.

(ii). For directing the respondents to  
grant the Insurance claim amount to the petitioner  
within a short fixed period as the Motor Vehicle  
of husband of the petitioner Late Kamal Kumar  
stolen was on 31 August, 2018 during the validity  
period of Insurance Policy no.  
POD19400008/4103/100497 which was valid  
from 13 August 2018 up to midnight 12 August  
2019.



(iii) That the respondent's be also directed to pay the appropriate interest at least by the rate of 18% per annum on the dues insured amount till the date of final payment of the insured amount.

(iv) That the Respondent's be also directed to pay the heavy cost and compensation to the petitioner as her husband namely Kamal Kumar died the Heart Attack on 01 August 2020 due to mental, physical & Economical respondents torture maid by the respondents-authorities in payment of insured claim of husband of the petitioner.”

3. Learned counsel for the petitioner has stated that the authorities in spite of there been a valid insurance policy are not paying the insurance amount for the vehicle that was stolen by some unknown persons. Learned counsel has stated that a criminal case has been booked, however, till date the respondent-insurance authorities are not paying the insurance amount.

4. Learned counsel appearing on behalf of the respondents has stated that the petitioner has an alternative and efficacious remedy of approaching the insurance ombudsman under Section 14 of the Insurance Ombudsman Rules, 2017 and prayed for dismissing the present writ petition.

5. Having regard to the above made submissions, the present writ petition is disposed of with a direction to the



petitioner to approach the insurance ombudsman under Section 14 of the Insurance Ombudsman Rules, 2017 within a period of two weeks from the date of the receipt of the copy of this order. On receipt of the same, the ombudsman shall endeavour to dispose of the case as expeditiously as possible preferably within a period of twelve weeks thereof.

6. With the above directions, the present writ petition stands disposed of to the extent indicated above.

**(A. Abhishek Reddy , J)**

Bhardwaj/-

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