

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO.3118 OF 2024

Sunil Ramdas Nemade & Anr.	...Petitioners
<i>Versus</i>	
Care Health Insurance Ltd. & Ors.	...Respondents

Mr. Rajesh Sahani with Ms. Reshma Nair i/b. Mr. Devmani Shukla,
Advocates, for the Petitioner.
Mr. Rajesh Kanojia(through Video Conference), Advocate, i/b. Res
Juris, for the Respondent Nos.1 and 2.

CORAM: MADHAV J. JAMDAR, J.
DATED : 19th DECEMBER 2024

P. C.:

1. The challenge in this Writ Petition filed under Article 226 of the Constitution of India is to the legality and validity of the order dated 12th January 2024 of the Respondent No.3-Insurance Ombudsman and to the letter/email dated 11th August 2023 of the Respondent No.1-Care Health Insurance Limited by which the claim of the Petitioners has been rejected on the ground that the Petitioner No.2 is known case of Autistic Disorder and the same has not been disclosed during the inspection. However, it is the contention of the Petitioners that the said condition of the

Petitioner No.2 was disclosed and the Respondent No.1-Care Health Insurance Limited i.e. insurer is aware about the same.

2. On earlier date, Mr. Rajesh Kanojia, learned Counsel appearing for the Respondent Nos.1 and 2 has taken instructions and submitted that the Respondent Nos.1 and 2 have decided to settle the dispute. There are two claims of the Petitioners of aggregate amount of Rs.30,42,082/-. The Respondent No.1 by settlement agreed to pay to the Petitioners aggregate amount of Rs.23,04,223/- (Rs.11,66,769/- + Rs.11,37,454/-).

3. Mr. Rajesh Sahani, learned Counsel appearing for the Petitioners by communication dated 16th December 2024 addressed to the learned Counsel appearing for the Respondent Nos.1 and 2 gave consent for accepting the said cumulative amount of Rs. 23,04,223/- instead of the claim of Rs.30,42,082/-.

4. Mr. Kanojia, learned Counsel appearing for the Respondent Nos.1 and 2 states that by email dated 18th December 2024, the Respondent No.1-Care Health Insurance Limited has approved the claim of said amount of Rs.23,04,223/-. Communication dated 16th

December 2024 sent on behalf of the Petitioners and email dated 18th December 2024 of the Respondent No.1 are taken on record and marked 'X1' and 'X2' for identification.

5. Accordingly, the Writ Petition is disposed of by consent of the parties by passing the following order:

ORDER

- (a) The impugned order dated 12th January 2024 of the Respondent No.3-Insurance Ombudsman and letter/email dated 11th August 2023 of the Respondent No.1-Care Health Insurance Limited are quashed and set aside.
- (b) By consent of the parties, it is directed that the Respondent No.1-Care Health Insurance Limited shall pay to the Petitioners aggregate amount of Rs.23,04,223/- within a period of 45 days from today towards two separate claims of the Petitioners.

(c) The Petitioners to immediately forward the documents as required by the Respondent No.1-Care Health Insurance Limited.

6. The Writ Petition is disposed of in above terms with no order as to costs.

7. This Court places on record appreciation of the Respondent No.1 -Care Health Insurance Limited for taking sympathetic view of the matter and Mr. Kanojia, learned Counsel appearing for the Respondent Nos.1 and 2 for facilitating the same.

8. Although the Writ Petition is disposed of, stand over to 10th February 2025 for reporting compliance of this order.

[MADHAV J. JAMDAR, J.]

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