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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-9873-2024  
Date of Decision:01.05.2024

BALWINDER KAUR ..... Petitioner

*Versus*

STATE OF PUNJAB AND OTHERS ..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Krishan Kumar Thakur, Advocate  
for the petitioner.

Mr. Aman Dhir, DAG, Punjab.

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JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 05.01.2024 (Annexure P-13) whereby respondent has informed the petitioner that HDFC Agro General Insurance Company has rejected her claim.
2. The husband of the petitioner was working with Punjab Police and he met with an accident. He suffered head injury. He was hospitalized and during treatment, he passed away. The petitioner being widow of said employee preferred insurance claim as per policy of the State Government. The State Government has got insurance cover from HDFC Bank with respect to its employees. The HDFC Agro General Insurance Company vide communication dated 24.03.2022 and 05.09.2022 rejected claim of the petitioner. She preferred Civil Writ Petition 21709 of 2023 before this Court which was disposed of in the

wake of statement of State counsel to the effect that petitioner would be informed reason of rejection of claim. As per communication dated 05.01.2024 (Annexure P-13) of HDFC Bank, the claim has been rejected on the ground that deceased Rupinder Singh was under the influence of alcohol when he met with an accident.

3. Mr. Krishan Kumar Thakur, Advocate submits that husband of the petitioner was not under influence of alcohol at the time accident, thus, HDFC has wrongly rejected her claim. The State was duty bound to pursue her claim whereas State has deflected from its responsibility.

4. The respondent-HDFC Bank has rejected petitioner’s claim on the ground that her husband was under the influence of alcohol at the time of accident. The petitioner claims that her husband was not under the influence of alcohol and State should pursue her claim.

5. The petitioner has raised disputed questions of fact. This Court cannot adjudicate disputed questions of fact especially when HDFC Bank is a private organization.

6. Dismissed.

7. The petitioner is at liberty to avail remedies as permissible by law.

( JAGMOHAN BANSAL )

JUDGE

01.05.2024

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|---------------------------|---------------|
| Whether speaking/reasoned | Yes/No        |
| <i>Whether Reportable</i> | <i>Yes/No</i> |