

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CWP-8515-2018

Date of decision: 12.03.2024

TARA CHAND

.....Petitioner

VERSUS

FUTURE GENERALI INDIA LIFE INSURANCE CO LTD AND
ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Gangeshwar Walia, Advocate
for respondent No.1.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present writ petition is for seeking issuance of directions to the respondent-Insurance Company to refund the premium alongwith 8% interest as directed by the Insurance-Ombudsman vide its order dated 31.03.2017.
2. Written statement has been filed on behalf of respondent No.1 wherein they have re-agitated the issue on merits and have tried to challenge the impugned order passed by the Insurance Ombudsman including his entitlement to pass an award. It is however not in a dispute that the respondent-Insurance company has not raised any challenge to the award passed by the Insurance Ombudsman, hence, they are not entitled to dispute illegitimacy of the award and/or competence of the Insurance Ombudsman to pass such an award.

3. Once the said factual aspects remains undisputed, there is no reason as to why the respondents ought not to comply with the directions issued by the Insurance Ombudsman way back in March, 2017. A period of nearly 07 years has elapsed and there is no valid justification for granting any further opportunity.

4. The present writ petition is accordingly disposed of with a direction to the respondent No.1-Insurance Company to remit the amount as directed by the Insurance Ombudsman vide his order dated 31.03.2017 within a period of 45 days of receipt of certified copy of this order. In the event the above said amount is not calculated and paid within the period as directed above, the respondent-Insurance Company shall be liable to pay interest @ 10% per annum from the date of filing of the present application till final adjudication.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 12, 2024
Vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No