



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-26961-2019

Date of decision: 16.07.2024

HARJIT KAUR

.....Petitioner

VERSUS

INSURANCE OMBUDSMAN AND ANOTHER

.....Respondents

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

Present: - Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Sanjeev Goyal, Advocate and
Mr. Rajbir Singh, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition to the order dated 16.10.2018 passed by the Insurance Ombudsman. The Appeal preferred by the petitioner against the decision to repudiate the claim was declined by the Insurance Ombudsman on the grounds that “the complaint is not addressed to this office and is time barred”.

2. Learned Counsel contends that the reasons assigned by the Insurance Ombudsman are not germane. The complaint sent was properly addressed to the office of the Insurance Ombudsman, Chandigarh.

Responding to the second reason of the complaint being barred by time, he

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contends that Rule 14 of the Insurance Ombudsman Rules, 2017 prescribes a period of one year for lodging an appeal/claim and Rule 14 (4) of the Insurance Ombudsman Rules, 2017 confers a jurisdiction on the Ombudsman to condone the delay where he may consider necessary and after calling for objections of the insurer against the proposed condonation and after recording reasons for the same. He contends that the petitioner had earlier approached the Consumer Court and the said complaint had been withdrawn by him to approach the Insurance Ombudsman, vide order dated 13.06.2018, and he had thereafter preferred the said application on 06.09.2018. It is submitted that the petitioner was never granted any opportunity to submit his reasons for seeking condonation of delay nor the respondent-Insurance Ombudsman recorded that it is not satisfied by the reasons assigned by the petitioner for approaching the Insurance Ombudsman after a delay.

3. Learned Counsel for the respondent-Insurance Company makes a strenuous effort to defend the order, however, he is not in a position to rebut that the order of the Insurance Ombudsman, impugned before this Court, does not record any reasons as to why the jurisdiction under Rule 14 (4) of the Insurance Ombudsman Rules, 2017 was not attracted and as to what were the reasons that made the Insurance Ombudsman not to condone the delay.

4. The writ petition is accordingly **allowed** and the impugned order dated 16.10.2018 passed by the Insurance Ombudsman is set aside.

The matter is remanded to the Insurance Ombudsman for reconsideration of



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the appeal preferred by the petitioner and to pass an appropriate decision on the claim/application for seeking condonation of delay under Rule 14 of the Insurance Ombudsman Rules, 2017.

5. The parties shall appear before the Insurance Ombudsman on 22.08.2024 whereafter further proceedings shall be undertaken in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

JULY 16, 2024
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No