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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10775/2022**

SHIV CHARAN SINGH

..... Petitioner

Through: Mr. Amit Kumar Gupta and Mr.
Kishore, Advocates.

versus

NATIONAL INSURANCE COMPANY LIMITED & ORS.

..... Respondents

Through: Mr. Anish Dhingra, Mr. Nakul Ahuja
and Mr. Pankaj Tomar, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
19.03.2024

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1. The Petitioner has approached this Court for the enforcement of the Award dated 17.06.2019 passed by the Office of the Insurance Ombudsman, Noida, UP under the Insurance Ombudsman Rules, 2017.
2. The facts of the case reveal that Petitioner is the owner of Tata 2518 bearing registration No.JH-09-Y-5427. The Petitioner had taken a Motor Insurance Policy No.420303311710002763 from Respondent No.1. It is stated that on 27.05.2018 the said vehicle was stolen from Baghpat, UP and an FIR bearing No.317/2018 was registered at PS Doghat, District Baghpat, UP for an offence under Section 379 of the IPC. However, the vehicle could not be traced. Since the insurance claim of the Petitioner was not settled, the Petitioner approached the Insurance Ombudsman, Noida. The Insurance Ombudsman by Award dated 17.06.2019 directed the Respondent/Insurance



Company to pay admissible claim to the Petitioner after submissions of required documents by the Petitioner. The said Award dated 17.06.2019 has not been challenged by the Respondent/Insurance Company.

3. Learned Counsel appearing for the Respondent/Insurance Company takes an objection of territorial jurisdiction on the ground that the registration of the vehicle was done in Jharkhand, the policy was taken in Haryana, the vehicle was stolen from Baghpat, UP and the Office of the Ombudsman is at Noida, UP.

4. Territorial jurisdiction is decided on a bundle of facts and it cannot be stated that no part of cause of action has arisen within the jurisdiction of this Court. Further, it is normally expected that the authorities which are instrumentalities of the State should be fair litigants and they should not deprive a citizen of his legitimate claims more so when the authority under the Insurance Regulatory and Development Authority Act, 1999 has rendered an award in favour of the Petitioner.

5. The Award dated 17.06.2019 has not been challenged, the Respondents, which have no other option but to implement the award, are directed to implement the Award dated 17.06.2019 within a period of eight weeks from today.

6. The writ petition is disposed of, along with pending application(s), if any.

SUBRAMONIUM PRASAD, J

MARCH 19, 2024

S. Zakir