



\$~37, 38 & 43

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

+ W.P.(C) 16472/2022 & CM APPL. 51716/2022

BHIMAL RAM

..... Petitioner

Through: Mr. K. L. Janjani and Mr. Manindra
Dubey, Advocates.

versus

IRCTC & ANR.

..... Respondents

Through: Mr. Yasharth Kant, Ms. Sonal
Kushwah, Advocates for Respondent
No.2.

+ W.P.(C) 17408/2022

SARITA DEVI

..... Petitioner

Through: Mr. K. L. Janjani and Mr. Manindra
Dubey, Advocates.

versus

INDIAN RAILWAY CATERING AND TOURISM
CORPORATION LTD & ANR. Respondents

Through: Mr. Yasharth Kant, Ms. Sonal
Kushwah, Advocates for Respondent
No.2.

+ W.P.(C) 5189/2023

YOGENDRA KUMAR

..... Petitioner

Through: Mr. K. L. Janjani and Mr. Manindra
Dubey, Advocates.

versus

IRCTC & ANR.

..... Respondents

Through: Mr. Saurav Agrawal, Ms. Kavya
Pahwa and Mr. Anshuman
Choudhary, Advocates for R-1.
Mr. Yasharth Kant, Ms. Sonal
Kushwah, Advocates for Respondent
No.2.



CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER
19.03.2024

%

1. W.P.(C) 16472/2022 has been filed challenging the Order dated 29.04.2022 passed by Respondent No.2/Insurance Company rejecting the insurance claim of the Petitioner. The facts of W.P.(C) 16472/2022 reveal that the Petitioner's son passed away while performing a journey by train on 20.04.2021. It is stated that due to the COVID-19, the insurance claim was filed by the Petitioner only on 09.03.2022 which has been rejected by Respondent No.2/Insurance Company on the ground that the claim should have been filed within four months of the incident.
2. W.P.(C) 17408/2022 has been filed challenging the Order dated 28.03.2022 passed by Respondent No.2/Insurance Company rejecting the insurance claim of the Petitioner. The facts of W.P.(C) 17408/2022 reveal that the Petitioner's husband passed away while performing a journey by train on 24.01.2021. It is stated that due to the COVID-19, the insurance claim was filed by the Petitioner only on 11.03.2022 which has been rejected by Respondent No.2/Insurance Company on the ground that the claim should have been filed within four months of the incident.
3. W.P.(C) 5189/2023 has been filed for a direction to the Respondents to pay the insurance claim to the Petitioner. The facts of W.P.(C) 5189/2023 reveal that the Petitioner's mother passed away while performing a journey by train on 18.09.2021. It is stated that due to the COVID-19, the insurance claim was filed by the Petitioner only on 11.08.2022. It is stated that the



Petitioner's claim is neither rejected nor allowed by the Respondent No.2/Insurance Company till date.

4. This Court can take judicial notice of the fact that the Petitioners were unable to prosecute their claims because of the ongoing COVID-19 pandemic. This Court can also not ignore the fact that the Petitioners were heart-broken due to loss of their loved ones.

5. Learned Counsel appearing for the Respondent No.2/Insurance Company very fairly submits that the Respondent No.2/Insurance Company would still be willing to consider the claim of the Petitioners provided all the necessary details and documents are provided to the Respondent No.2/Insurance Company.

6. In view of the above, the writ petitions are disposed of with a direction to the Petitioners to file a representation with all the necessary details and documents before the Respondent No.2/Insurance Company within a period of six weeks from today. The Respondent No.2/Insurance Company is requested to consider the representation of the Petitioners within six weeks thereafter.

7. Pending applications, if any, also stand disposed of.

8. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

MARCH 19, 2024

S. Zakir