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

+ **LPA 383/2016**

GAJINDER KAUR

.....Appellant

Through: **Mr. Tanmaya Mehta & Mr.
Yash Gaur, Advs.**

versus

INSURANCE OMBUDSMAN & ORS

.....Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

25.11.2024

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1. The appellant has instituted the present appeal aggrieved by the judgment handed down by the learned Single Judge on 23 May 2016 in terms of which her writ petition has come to be dismissed as having been preferred after the period of “limitation” had expired.
2. By way of the writ petition, the appellant had approached the Court under Article 226 of the Constitution assailing the order dated 28 October 2015 passed by the Insurance Ombudsman who had dismissed the complaint of the appellant.
3. From the facts which have come to be noticed by the learned Single Judge, we find that the respondents appear to have alleged that there had been a failure on the part of the appellant to pay any premiums after 10 July 2009 connected with the policy which was obtained by the appellant from the insurance company. The policy had thereafter come to be forfeited with effect from 10 July 2010.



4. The learned Single Judge has noticed that the first objection which the appellant chose to raise concerning the inaction of the insurance company was only in 2014 and it is perhaps on the aforesaid basis that the learned Single Judge took the position that the writ petition was liable to be dismissed.

5. We, however, find that there is undisputedly no prescription of limitation that governs the institution of a writ petition under Article 226 of the Constitution. Whether the period between 2010 and 2014 was liable to be viewed as inordinate laches and thus amounting to the petitioner being deprived of its right to question the action of the insurance company would be an issue that would be altogether different. In our considered opinion, while considering such cases, it is also open to the writ Court to examine whether the relief can be moulded so as to factor in any delay that may be attributable to the writ petitioner.

6. Bearing in mind the aforementioned and well-settled precepts which apply to the invocation of our writ jurisdiction, we find ourselves unable to sustain the judgment impugned before us.

7. We, accordingly, allow the instant appeal and set aside the order dated 23 May 2016. The writ petition shall consequently stand revived on the board of the learned Single Judge to be heard and examined afresh in light of the observations appearing hereinabove.

8. List before the learned Single Judge on 16.12.2024.

YASHWANT VARMA, J

DHARMESH SHARMA, J

NOVEMBER 25, 2024/RW