

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14022 OF 2024

M/s. Nainko Exim Pvt. Ltd. ...Petitioner
Versus
The New India Assurance Co. Ltd. and Anr. ...Respondents

Adv. S.P. Shukla, for the Petitioner.
Mr. Rushabh S. Vidhyarthi a/w Ishita Bhole i/b. Asim S. Vidyarthi, for the Respondents.

PALLAVI
MAHENDRA
WARGAONKAR

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PALLAVI MAHENDRA
WARGAONKAR
Date: 2025.01.20
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**CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.**

DATE : 14 JANUARY 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed praying for the following substantive reliefs:-

- “A. Goods of Petitioner destroyed in fire occurred on 16.02.2019 in the warehouse of and claim against Policy no 17080011180100000144 is Compressive and a Packaged Insurance Policy covering the period from 07.05.2018 to 06.05.2019. The Insurance Policy is General in Nature & not specific and it covers all the goods destroyed in fire be it of the Importers or goods and material of the other persons. New India Assurance Company Ltd may be directed to sanction & release the balance amount of Rs. 55,51,486/- (Rs. Fifty Five Lakh Fifty One Thousand Four Hundred Eighty Six Only) along with the 18% interest per annum.
- B. That this Hon'ble Court be pleased to issue Writ of Certiorari, or Writ in nature of Certiorari or any other appropriate petition or order under Article 226 and 227 of the Constitution of India, 1950 directing Respondent to release the Insurance claim in the name of Petitioner against the policy no 17080011180100000144.”

2. The claim of the petitioner is purely a money claim and that too arising out of a contract of insurance. The complete policy document is

not annexed to the petition but from what has been stated on behalf of the respondents necessarily there is an agreement between the parties for disputes to be resolved in arbitration.

3. In any event, considering the nature of the prayers, it may not be possible for us to grant any relief to the petitioner in this petition. It is for the petitioner to take a recourse to the appropriate remedy as may be available in law.

4. Thus, keeping open all contentions of the petitioner, we dispose of the petition. No costs.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]