

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 2903 OF 2021

Bharat Hirji Dedhia

.. Petitioner

Versus

Union of India & Anr.

.. Respondents

WITH

WRIT PETITION NO. 706 OF 2024

Oriental Insurance Co. Ltd.

.. Petitioner

Versus

Office of Insurance Ombudsman & Anr.

.. Respondents

WITH

INTERIM APPLICATION NO. 424 OF 2022

IN

WRIT PETITION NO. 706 OF 2021

Oriental Insurance Co. Ltd.

.. Applicant

In the matter between

Oriental Insurance Co. Ltd.

.. Petitioner

Versus

Office of Insurance Onbudsman and Anr.

.. Respondents

Adv. Aseem Naphade, Adv. Tejas Horambe a/w Adv. Nishtha Malik, Adv. Sonali Kochar, Adv. Bijal Soni & Adv. Naqqiya Saiffee i/b NAS Legal for the Petitioner in WP/2934/21 & Respondent in WP/706/24

Adv. S.S. Dwivedi for the Respondent No. 2 in WP/2934/21 & for Petitioner in WP/706/2024.

**CORAM: B. P. COLABAWALLA &
FIRDOSH P. POONIWALLA, JJ.
DATE: FEBRUARY 3, 2025**

P. C.

1 The above Writ Petitions were disposed of by this Court vide its Order dated 9th December, 2024 read with the corrections dated 10th December, 2024. By the said Order, this Court had directed the Insurance Company to make certain payments and also fix responsibility upon the official/officials responsible for the delay in complying with the directions in the award dated 3rd May, 2021 passed by the Office of Insurance Ombudsman, Mumbai and Goa.

2 The above matters had come up before this Court on 26th January, 2025 for the purpose of reporting compliance, especially with reference to the payment that was to be made as per the Order dated 9th December, 2024. On that date (27th January, 2025), the

Insurance Company informed the Court that payment was not made because they were in the process of challenging the Order passed on 9th December, 2024 (as corrected by the Order dated 10th December, 2024).

3 Since there was no stay granted, we were unable to accept the submission of the learned counsel for the Insurance Company. We however gave the Insurance Company one more opportunity to comply with the directions given by this Court on 9th December, 2024 and posted the matter today for reporting compliance.

4 Today when the matters are called out, the learned Advocate appearing on behalf of the Insurance Company has stated that the amounts payable under the Order dated 9th December, 2024 (as corrected by the Order dated 10th December, 2024) have infact been paid. She further stated that even the costs have been paid to the Petitioner in Writ Petition No. 2903 of 2021. Mr. Naphade, the learned Advocate appearing on behalf of the Petitioner in Writ Petition no. 2903 of 2021 confirms this fact.

5 In these circumstances, we find that the Order of this Court dated 9th December, 2024 (as corrected by the Order dated 10th December, 2024), atleast as far as the payment is concerned, is now complied with. As far as the other directions are concerned, the matters are now kept on 30th June 2025 for reporting compliance.

6 The learned counsel appearing on behalf of the Insurance Company has stated that though the payment has been made in compliance of the Order dated 9th December, 2024 (as corrected by the Order dated 10th December, 2024), the Insurance Company has challenged the said Order before the Hon'ble Supreme Court. She has therefore requested for a clarification that the payment made to the Petitioner would be subject to any orders passed by the Hon'ble Supreme Court.

7 We hereby clarify that the payment made to the Petitioner would be subject to the out come of the Special Leave Petition filed by the Insurance Company before the Hon'ble Supreme Court and will naturally abide by any orders passed by the Hon'ble Supreme Court in that regard.

8 The learned counsel appearing on behalf of the Insurance Company also brought to our attention that in paragraph 2 of the Order dated 9th December, 2024, the Insurance Company was permitted to carry out certain amendments in their Writ Petition, namely, Writ Petition No. 706 of 2024. She submitted that due to inadvertence, those amendments have not been carried out. She, therefore, sought an extension of time to carry out the aforesaid amendments and bring the house in Order.

9 Mr. Naphade, the learned counsel appearing on behalf of the Petitioner in Writ Petition No. 2903 of 2021 and who is Respondent No. 2 in Writ Petition No. 706 of 2024, stated that they have no objection if the extension is granted.

10 In these circumstances, the time to carry out the amendment as per the Order dated 9th December, 2024 is extended by period of 2 weeks from today.

11 This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[FIRDOSH P. POONIWALLA, J.]

[B. P. COLABAWALLA, J.]