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

\+ W.P.(C) 7932/2023 and CM APPL. 53323/2023

Date of Decision: **25.02.2026**

IN THE MATTER OF:

KARAN ARORA .....Petitioner

Through: Mr. Pankaj Mehta, Ms. Shweta Soni, Ms. Akansha Singh, Mr. Apaar Puri, Ms. Simran Mehta, Advocates.

versus

STAR HEALTH AND ALLIE INSURANCE CO. LIMITED & ORS. .....Respondent

Through: Mr.Shishir Mathur and Mr. Sarthak Gupta, Advocates for R-1.
Mr. Abhishek Nanda, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

The petition is for directions to the respondents to issue health insurance in favour of the petitioner.

2. It is the case of the petitioner that in the 1999, the petitioner was diagnosed with bilateral paralysis in his vocal chord and had undergone 'tracheostomy' procedure for the same. As per the petitioner, the bilateral

paralysis in his vocal chord has affected neither, the normal growth of any body part, nor his ability to speak.

3. On 22.03.2023, the petitioner claims to have approached respondent no. 1-insurance company seeking health insurance coverage and also disclosed the factum of his earlier diagnosis. Respondent no. 1- Company has rejected the petitioner's request on the ground that the petitioner is suffering from a pre-existing disease.

4. The petitioner claims to have filed representations against rejection of his request for insurance coverage, before respondent nos. 2 and 3- authorities.

5. The Chapter I, Clause 1 of the Master Circular on IRDAI (Insurance Products) Regulations 2024, the Health Insurance requires Insurers to make available their policies even with respect to 'pre-existing diseases and chronic conditions'. It is, thus, seen that the petitioner's case does not prima-facie seems to be unacceptable in view of said Regulations.

6. The Court, however, finds that there exists a mechanism under the Insurance Ombudsman Rules, 2016 (hereinafter '**the Rule, 2016**'). These rules have been framed under the Insurance Regulatory and Development Authority Act, 1999.

7. The Rule 13(i) of the aforesaid Rules, 2016, provides that the Insurance Ombudsman may look into the matters resulting from violation of the regulations, circulars, guidelines, or instructions issued by the Insurance Regulatory and Development Authority of India ('**IRDAI**').

8. Having considered the nature of the grievance raised by the petitioner, instead of entering into the merits of the case, the Court deems it appropriate to allow the petitioner to approach the Ombudsman under the Rules, 2016.

9. If the petitioner approaches the Ombudsman within a period of 30 days from today, let the Insurance Ombudsman to decide his complaint with due expedition within a period of three months from the date of receipt of the complaint.

10. With the aforesaid observations, writ petition, along with pending applications, if any, stands disposed of.

11. If the grievance of the petitioner is not mitigated, the petitioner shall be at liberty to take appropriate recourse in accordance with law.

PURUSHAINDRA KUMAR KAURAV, J

FEBRUARY 25, 2026
aks/ss.