

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 1006 of 2014

Anita Giri, wife of Ravindra Nath Giri, resident of Cottage No. 571, Goutam Vihar Bhuiyadih, P.O. & P.S. Agrico, District-East Singhbhum (Jamshedpur) Petitioner

Versus

1. Sr. D.M., L.I.C. of India, Jeevan Prakash Building, Bistupur, Jamshedpur

2. Zonal Manager, L.I.C. of India, East Central Zonal Office, Exhibition Road, Jeevan Deep Building, Patna, Bihar

... .. Respondents

CORAM: HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioner : Mr. S.K. Singh, Advocate
 Mr. Sanjay Kumar, Advocate

For the Respondents : Mr. Sachin Kumar, Advocate

Order No. 06

Dated: 02.12.2015

Seeking quashing of communication contained in letter dated 27.05.2013 whereby, claim for settlement of LIC Health Plus Policy has been regretted, the present writ petition has been filed.

2. The petitioner claims that her husband was issued health insurance vide Policy No. 556593761 dated 31.03.2011. Before the said policy was issued, to ascertain the health conditions of the husband of the petitioner he was examined by the doctor and he underwent pathological test. The husband of the petitioner continued to pay premium of Rs. 13,500/- with effect from 17.02.2011 to 31.03.2012. The husband of the petitioner met with an accident on 01.11.2012 and he suffered serious injuries. He was admitted to TMH Hospital on 01.11.2012 and after initial treatment he was referred to Apollo Hospital. In response to the claim for reimbursement the respondent directed the petitioner's husband to submit documents relating to his treatment which was duly submitted however, the claim was rejected vide order dated 27.05.2013 on the ground that the patient was Diabetic.

3. Alleging the rejection of the claim as illegal and arbitrary, the learned counsel for the petitioner submits that the claim for expenses incurred during treatment for the injuries suffered in an accident cannot be rejected on the ground that the husband of the petitioner was Diabetic.

4. Mr. Sachin Kumar, the learned counsel for the respondent-LIC of India submits that the writ petition involves disputed questions of fact and therefore, it is liable to be dismissed.

6. Considering the fact that the action of the respondent-LIC of India has been challenged as arbitrary and illegal, the writ petition cannot be held not maintainable however, in view of the nature of claim raised by the petitioner, I am of the opinion that it falls under the ambit of the Consumer Protection Act, 1986 and the appropriate remedy for the petitioner is to approach the Consumer Court.

7. In view of the alternative remedy available to the petitioner, the writ petition stands disposed of with liberty to the petitioner to approach the Consumer Court, within eight weeks.

(Shree Chandrashekhar, J.)

Manish