



CWP-6656-2025

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(268)

CWP-6656-2025

Date of decision:- 15.09.2025

Jagjeet

... Petitioner

Versus

New India Assurance Company Limited and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Ashwani Talwar, Advocate and
Mr. Deepak Goyat, Advocate
for the respondents No.1 to 3.

SUVIR SEHGAL, J. (ORAL)

1. By way of instant petition filed under Article 226/227 of the Constitution of India, petitioner has approached this Court for issuance of a writ, in the nature of certiorari, for quashing repudiation letters dated 14.03.2024 and 04.07.2024, Annexures P-5 and P-9, respectively. Another prayer has been made for issuance of a writ, in the nature of mandamus, directing Insurance Ombudsman, respondent No.4, to decide the claim of the petitioner afresh.

2. Petitioner purchased an insurance policy for Tata Tipper bearing Registration No.HR-84-0865, Annexure P-1, which was valid till 28.07.2023. On 19.10.2022, Savinder, driver of the truck, was going to Sonipat for loading material on the truck. On his way, he stopped at Kutubgarh, Delhi Chowk. He parked the truck on the road side and went to a nearby food stall. When he

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returned to the parking spot, he found that the truck had been stolen. Incident was reported to the police and FIR No.030191 was lodged at e-Police Station under Section 379, IPC on 19.10.2022, Annexure P-2, on the complaint of the petitioner. Upon investigation, an untraced report was prepared by the police and submitted in the Court, which was accepted by the Magistrate vide order dated 11.08.2023, Annexure P-4. Petitioner lodged a claim with the insurance company, which was repudiated vide impugned letter dated 14.03.2024, Annexure P-5. A complaint was filed before the Insurance Ombudsman-respondent No.4, which was disposed of on 18.06.2024, Annexure P-6, on the basis of an agreement by way of conciliation arrived at between the parties. Pursuant to the award, in response to communication, petitioner clarified the various issues raised by the insurance company by sending a response dated 13.06.2024, Annexure P-8. Vide impugned letter dated 04.07.2024, Annexure P-9, insurance company reiterated its earlier decision to repudiate the claim. Petitioner again approached the Insurance Ombudsman-respondent No.4, through email dated 29.12.2024, Annexure P-12, which is pending. Upon notice by this Court, insurance company-respondents No.1 to 3, have taken a stand that the order passed by the Insurance Ombudsman cannot be reopened and a fresh complaint cannot be filed before the Ombudsman.

3. After hearing counsel for the parties, this Court is of the view that issuance of repudiation letter dated 04.07.2024, Annexure P-9, furnishes a fresh cause to the petitioner, who has assailed this letter by filing a complaint before the Ombudsman. The complaint, Annexure P-12, filed by the petitioner before the Ombudsman, therefore, deserves to be entertained and decided.

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4. In view of the above, writ petition is disposed of with a direction to Insurance Ombudsman-respondent No.4, to decide the complaint, Annexure P-12, as expeditiously as possible preferably within a period of three months from the date of communication of this order.

(SUVIR SEHGAL)
JUDGE

15.09.2025

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No