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

\+ W.P.(C) 8037/2024

MALA CHAUHAN ..... Petitioner

Through: Mr. Akash Srivastava, Advocate.

versus

OFFICE OF INSURANCE OMBUDSMAN & ANR...... Respondents

Through: Mr. Abhishek Nanda, Advocate for R-2.

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

O R D E R

% **29.05.2024**

CM APPL. 33048/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 8037/2024

1. Petitioner has approached this Court challenging the Order dated 16.03.2023, passed by the Insurance Ombudsman, rejecting the claim of the Petitioner herein on the ground that the husband of the Petitioner passed away within 36 months of buying the top up policy and, therefore, the Petitioner is not entitled to claim of Rs.24 lakhs. *Vide* the said Order the Petitioner has been awarded Rs.10 Lakhs as total claim amount.

2. It is stated by the learned Counsel for the Petitioner that initial policy was for a sum of Rs.12 lakhs and, therefore, even if it is assumed that the Petitioner is not eligible to claim Rs.24 Lakhs because Petitioner's husband passed away within 36 months of buying the enhancement policy, then also the Petitioner is eligible for a sum of Rs.12 lakhs and not just Rs.10 Lakhs.

3. Issue Notice.

4. Learned Counsel for Respondents accepts notice and seeks some time to file a reply.

5. Let the reply be filed within four weeks. Rejoinder thereto, if any, be filed within two weeks thereafter.

6. List on 29.08.2024.

SUBRAMONIUM PRASAD, J

MAY 29, 2024
Rahul