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

+ **W.P.(C) 12351/2024 & CM APPL. 51420/2024**

**HARJIT SINGH GILL & ANR.** .....Petitioners

Through: **Mr. Sidharth Mohan, Adv.**

versus

**OFFICE OF INSURANCE OMBUDSMAN &  
ANR.**

.....Respondents

Through: **None.**

**CORAM:**

**HON'BLE MR. JUSTICE DHARMESH SHARMA**

**ORDER**

% **25.09.2024**

**CM APPL. 51421/2024 – EXMP.**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 12351/2024 & CM APPL. 51420/2024**

3. The petitioners are invoking the extraordinary jurisdiction of this Court under Article 226 & 227 of the Constitution of India, 1950, for quashing of the impugned award dated 27.04.2023 passed by the Insurance Ombudsman, whereby the medical claim of the petitioner No.1 has been rejected on the premise that there was misrepresentation, so much so that it has resulted in the cancellation of the policy of the petitioner No.2/ wife, as well.
4. No one is present for respondent Nos. 1 & 2 despite sending advance notice.
5. Learned counsel for the petitioner has invited the attention of this Court to the Proposal Form set out in the insurance policy



schedule and has pointed out that all the information has been correctly spelled out, however, it is submitted that the petitioner suffered from some spinal injuries for which he underwent surgery on 23.06.2022. The grievance of the petitioner is that his claim has been rejected on the ground that he was a known case of Ankylosing Spondylitis (AS). It is further submitted that although a further report was filed by the petitioner No. 1 showing that HLB-27 was negative, the claim stands rejected by the respondents.

6. The issue raised by the learned counsel for the petitioners requires a deeper examination.

7. Learned counsel for the petitioners also requests time to cite relevant case laws to buttress the plea that the present writ petition is maintainable.

8. Let notice be issued to respondent No.2 through its Managing Director, as well the Standing Counsel.

9. Re-notify on 23.10.2024 in the “Supplementary List.”

**DHARMESH SHARMA, J.**

**SEPTEMBER 25, 2024/sa**