

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3939/2026

Star Health And Allied Insurance Co. Ltd., Through Manager, No. 5, Sri Balaji Complex, 1St Floor, Whites Lane Royapettah, Chennai 600014.

-----Petitioner

Versus

Shiv Kumar Pungaliya S/o Jamna Lal Pungaliya, Aged About 53 Years, R/o 32/4 Akashwani Road, Chittorgarh, Teh. And Dist. Chittorgarh.

-----Respondent

For Petitioner(s)	:	Mr. Pranay Mehta
For Respondent(s)	:	---

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

23/02/2026

By way of filing the present civil writ petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:

"It is therefore, prayed that by appropriate writ, order or direction, the Award dated 26.09.2025 (Annexure-5) passed by the Learned Permanent Lok Adalat, Chittorgarh in Case NO.130/2023 "Shiv Kumar Pungaliya v. Star Health," may be quashed and set aside.

Cost of the writ petition may kindly be awarded in the favor of the petitioner. "

Having heard learned counsel for the petitioner and perused the material available on record, this Court finds that the respondent, Shiv Kumar, was holding a Medi-Claim Policy issued by the petitioner-Insurance Company. The respondent was admitted to Neuro-Cyte-Stem-Cell, Bengaluru, on 13.12.2022 for complaints relating to liver cirrhosis and was discharged on 02.01.2023. Thereafter, he submitted a claim to the petitioner-

Insurance Company seeking reimbursement of Rs. 4,37,007/-, which came to be rejected.

The claim was rejected on the ground that the treatment undertaken by the respondent, namely Neuro-Cyte-Stem-Cell therapy, is an unproven treatment generally used for cancer patients, lacking established medical or scientific backing, and therefore not covered under the Medi-Claim Policy issued to him.

Aggrieved by the said action, the respondent filed an application before the Permanent Lok Adalat, Chittorgarh, seeking reimbursement of the amount incurred on the treatment.

The Permanent Lok Adalat, upon examining the material available on record, observed that the respondent had undergone the said treatment on the advice of the treating doctors and, therefore, could not be expected to know whether such treatment had adequate medical or scientific backing. After considering the material on record, the Permanent Lok Adalat directed the petitioner–Insurance Company to reimburse the expenditure incurred by the respondent towards the treatment.

This Court finds no illegality or jurisdictional error in the Award dated 26.09.2025 passed by the Permanent Lok Adalat, Chittorgarh in Case No. 130/2023, "Shiv Kumar Pungalia v. Star Health and Allied Insurance Company Ltd." The documents on record clearly establish that the respondent underwent the subject treatment under the advice and supervision of the treating doctors. There is nothing on record to indicate that the respondent, despite having knowledge that Neuro-Cyte-Stem-Cell therapy is an unproven treatment for a patient suffering from liver

cirrhosis, either insisted upon or consciously opted for the same against medical advice.

Ordinarily, a patient cannot be expected to be aware of the technical nuances or medical validity of a particular line of treatment. A patient places reliance upon the expertise and professional judgment of the treating doctors. Therefore, in the absence of any material demonstrating that the respondent knowingly insisted upon an unproven treatment, reimbursement of the expenditure incurred by him cannot be denied by the Insurance Company.

In view of the aforesaid discussion, the present writ petition stands dismissed. The impugned Award passed by the Permanent Lok Adalat, Chittorgarh is upheld.

Stay petition stands disposed of.

(KULDEEP MATHUR),J