

(1999) 10 AHC CK 0059

Allahabad High Court

Case No: Civil Miscellaneous Writ Petition No. 5794 of 1992

District Co-operative Bank
Ltd.Deoria

APPELLANT

Vs

Oriental Insurance Company
Ltd.Deoria and Others

RESPONDENT

Date of Decision: Oct. 25, 1999

Hon'ble Judges: D.S.Sinha, J and I.M.Quddusi, J

Final Decision: Dismissed

Judgement

1. Heard Ms. Roli Kauser holding brief of Shri S.K. Singh, the learned counsel for the petitioner, and Shri A.B. Saran, the learned Senior Advocate appearing for the respondents.
2. By means of this petition under Article 226 of the Constitution of India, the petitioner prays that this Court may issue a writ of mandamus commanding M/s. Oriental Insurance Company, the respondent, to pay to it a sum of Rs. 2,77,643.00/, alleged to be due under the Insurance Policy No. 46/88/00002, dated 2189.
3. In substance, petitioner wants this Court to enforce the contract of insurance.
4. In the opinion of the Court, which is fortified by the decision of the Hon"ble Supreme Court rendered in Life Insurance Corporation of India and others v. Smt. Kiran Sinha, reported in AIR 1985 Supreme Court at page 1265, a writ petition under Article 226 of the Constitution of India is not the appropriate remedy. The remedy of the petitioner lies elsewhere.
5. Under the circumstances, the petition is dismissed summarily.