

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 4TH DAY OF NOVEMBER 2015/13TH KARTHIKA, 1937

WP(C).No. 33520 of 2015 (L)

PETITIONER(S) :

**MRS.PREETHA JOSEPH, AGED 43 YEARS,
W/O.LATE K.D.JOSEPH, KOCHETH HOUSE, NAZARATH,
MATTANCHERY P.O, ERNAKULAM, PIN- 682 002,
NOW RESIDING AT C/O.C.S.SEBASTIAN, CHARANGATT HOUSE,
VATTAMAKKAL ROAD, MOOLAMKUZHY, MUNDAMVELI P.O,
KOCHI- 682 005.**

**BY ADVS.SRI.NELSON J.MANAYIL
SRI.P.M.RAJAGOPAL**

RESPONDENT(S) :

**1. M/S.UNITED INDIA INSURANCE CO.LTD.,
REPRESENTED BY SENIOR DIVISIONAL MANAGER,
VETTUKATTIL BUILDINGS, III FLOOR, JOSE JUNCTION, M.G ROAD,
ERNAKULAM- 682 016.**

**2. CANARA BANK,
MATTANCHERRY BRANCH, KOCHI, PIN- 682 002,
REPRESENTED BY ITS BRANCH MANAGER.**

**R1 BY ADV. SRI.P.K.MANOJKUMAR, S.C
R2 BY ADV. SRI.P.GOPINATH MENON, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1: TRUE PHOTOCOPY OF DEATH CERTIFICATE OF PETITIONER'S HUSBAND DATED 21.01.2014 ISSUED BY HEALTH SUPERVISOR, CORPORATION OF KOCHI.
- EXT.P2: TRUE PHOTOCOPY OF LETTER NO.101303/U/W/153/2014 DATED 24.09.2014 ISSUED BY 1ST RESPONDENT TO THE PETITIONER.
- EXT.P3: TRUE PHOTOCOPY OF APPLICATION SUBMITTED BY THE PETITIONER TO 1ST RESPONDENT DATED 25.11.2014.
- EXT.P4: TRUE PHOTOCOPY OF THE PERSONAL ACCIDENT INSURANCE CLAIM FORM DATED 25.11.2014 DULY FILLED IN AND SIGNED BY THE PETITIONER SUBMITTED ALONG WITH EXT.P3.
- EXT.P5: TRUE PHOTOCOPY OF CERTIFICATE DATED 14.11.2014 OF DR.PRASAN PRABHAKAR, LAXMI HOSPITAL, PANAYAPPILLY, KOCHI-5.
- EXT.P6: TRUE PHOTOCOPY OF STATEMENT OF FRANCIS C.S. DATED 19.12.2014 TO THE 1ST RESPONDENT.
- EXT.P7: TRUE PHOTOCOPY OF STATEMENT OF JOSEPH P.G DATED 18.12.2014 OF THE 1ST RESPONDENT.
- EXT.P8: TRUE PHOTOCOPY OF LETTER NO.OBO(T) NO.3991/CTS/0606/2014 -15 DATED 02.01.2015 ISSUED BY THE OFFICE OF THE BANKING OMBUDSMAN TO THE PETITIONER.
- EXT.P8(A): TRUE PHOTOCOPY OF ENCLOSURES IN EXT.P-8 VIZ. R1 LETTER NO.101303/MISC C1/226/14 DATED 09.12.2014 OF 1ST RESPONDENT.
- EXT.P8(B): TRUE PHOTOCOPY OF ENCLOSURES IN EXT.P8 VIZ. LETTER NO.CO:TVM:CSS:OMB:COMP:KPS:25:2014 DATED 05.11.2014 ISSUED BY CUSTOMER SERVICE SECTION, CIRCLE OFFICE, TRIVANDRUM OF 2ND RESPONDENT TO BANKING OMBUDSMAN, TRIVANDRUM.
- EXT.P9: TRUE PHOTOCOPY OF ORDER IN HRMP NO.2715/2015 DATED 26.03.2015 OF THE HON'BLE CHAIR PERSON, KERALA STATE HUMAN RIGHTS COMMISSION.
- EXT.P10: TRUE PHOTOCOPY OF LETTER NO.REF.KUC-G 051-1516-0119 DATED 26.06.2015 SENT BY THE INSURANCE OMBUDSMAN TO THE PETITIONER.

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**EXT.P11: LETTER NO. NIL DATED NIL ISSUED BY 2ND RESPONDENT TO
 THE PETITIONER.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 33520 of 2015

Dated this the 4th November, 2015

JUDGMENT

The petitioner, aggrieved by the repudiation of insurance by the second respondent, has approached this Court.

2. It is to be noted that the petitioner has not approached the Grievance Cell under the first respondent, though the Insurance Ombudsman directed to approach the Grievance Cell.

In the above circumstances, this Court is of the view that if the petitioner approaches the Grievance Cell under the first respondent, the Grievance Cell shall consider the case of the petitioner within one month, after hearing the petitioner and communicate the order to the second respondent. Till a decision is taken by the Grievance Cell, all coercive steps pursuant to Exhibit P11 initiated by the second respondent shall be deferred.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs4/11/15