

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE**

**FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937**

**WP(C).No. 35884 of 2015 (I)**  
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**PETITIONER(S):**  
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**AKAY FLAVOURS & AROMATICS LIMITED,  
NALLANIKUNNU, ELAVUMTHITTA P.O.,  
PATHANAMTHITTA-689 625, REPRESENTED BY ITS  
VICE PRESIDENT FINANCE MR.K.J. THANKACHAN.**

**BY SRI.JOSEPH MARKOSE, SENIOR ADVOCATE.  
ADVS. SRI.V.ABRAHAM MARKOS,  
SRI.SREEHARI VADUMKUNCHERY,  
SRI.BINU MATHEW,  
SRI.TOM THOMAS (KAKKUZHIYIL),  
SRI.ABRAHAM JOSEPH MARKOS,  
SRI.ISAAC THOMAS,  
SRI.NOBY THOMAS CYRIAC.**

**RESPONDENT(S):**  
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- 1. THE UNITED INDIA INSURANCE COMPANY LIMITED,  
DIVISIONAL OFFICE-III, BHASKARA BUILDING,  
MAVELIPURAM, KAKKANAD-682 030,  
ERNAKULAM DISTRICT.**
- 2. THE UNITED INDIA INSURANCE COMPANY LIMITED,  
REGIONAL OFFICE, "SHARANYA",  
HOSPITAL ROAD, KOCHI-682 011,  
ERNAKULAM DISTRICT.**
- 3. THE UNITED INDIA INSURANCE COMPANY LIMITED,  
REGISTERED OFFICE: 24, WHITES ROAD,  
CHENNAI-600 014.**

**BY ADV. SRI.P.K.MANOJKUMAR, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**rs.**

**APPENDIX**

**PETITIONER'S EXHIBITS:-**

- EXT.P1 COPY OF THE POLICY BEARING NUMBER 101300/11/13/11/00000134 UNDER THE STANDARD FIRE AND SPECIAL PERIL POLICY.
- EXT.P2 COPY OF THE LETTER DATED 19/08/2013 ISSUED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXT.P3 COPY OF THE LETTER DATED 20/08/2013 ISSUED BY MR.K.J. PHILIP, SURVEYOR AND LOSSES ASSESSOR.
- EXT.P4 COPY OF THE LETTER DATED 05/09/2013 ISSUED BY M/S. THOMAS GROM SURVEYORS.
- EXT.P5 COPY OF THE LETTER DATED 25/09/2013 ISSUED BY THE PETITIONER WITH ALL DOCUMENTS.
- EXT.P6 COPY OF THE CLAIM FORM FOR A TOTAL SUM OF Rs.1,32,11,110.53 FILED ALONG WITH EXT.P5 FILED BY THE PETITIONER.
- EXT.P7 COPY OF THE FINAL REPORT DATED 03/10/2013 FILED FROM THE POLICE OF THE PATHANAMTHITTA POLICE STATION BEFORE THE JUDICIAL FIRST CLASS MAGISTRATE COURT, PATHANAMTHITTA.
- EXT.P8 COPY OF THE LETTER DATED 14/07/2015 ISSUED BY THE PETITIONER TO THE 3RD SURVEYOR SRI.P.S. RAMANATHAN.
- EXT.P9 COPY OF THE E-MAIL DATED 01/07/2015 ISSUED BY THE RESPONDENTS TO THE PETITIONER.
- EXT.P10 COPY OF THE E-MAIL DATED 05/09/2015 ISSUED BY THE PETITIONER TO THE RESPONDENTS.
- EXT.P11 COPY OF THE LEGAL NOTICE DATED 23/09/2015 ISSUED BY THE PETITIONER'S LAWYERS TO THE RESPONDENTS.

**RESPONDENT'S EXHIBITS:-** NIL.

**//TRUE COPY//**

**P.S. TO JUDGE**

**rs.**

**A. MUHAMED MUSTAQUE, J**

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**W.P.(C).No. 35884 of 2015**  
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**Dated this the 27<sup>th</sup> day of November, 2015**

**JUDGMENT**

The petitioner has taken an insurance policy with respect to the Export Oriented Unit (EOU) including the stock and other goods from the respondents.

2. According to the petitioner, on account of fire, the part of the stock and other goods were destroyed. The petitioner raised a claim with the respondents. It appears that the claim was raised in the year 2013. The petitioner approached this Court on account of delay in considering the claim.

3. The learned Standing Counsel for the respondent would submit that, on account of delay in getting survey report, they are unable to consider the request.

Considering the facts and circumstances, there shall be a direction to the respondents, to consider the claim and take appropriate decision within three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-  
**A. MUHAMED MUSTAQUE**  
**JUDGE**

bpr