

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.16583 of 2015

R.Jahathunnisa

.. Petitioner

vs

1.The Regional Manager
New India Assurance Company
Limited
No.45, Moore Street, V Floor
Chennai 600 001

2.The Manager
Motor Personal Accident Claim
New India Assurance Company Limited
East Coast Chamber, II Floor
T.Nagar, Chennai 600 017

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the second respondent consider the representation dated 27.4.2015 by the petitioner and further to settle the personal accident claim as well as own damages claim filed on 17.11.2007, for the death of petitioner's brother and damages to the vehicle bearing Registration No.TN 21 P 2363, belonging to the deceased, involved in the road accident on 7.3.2007, by the petitioner.

For Petitioner : Mr.F.Terry Chella Raja

For Respondents : Mr.N.Vijayaraghavan

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that she is the elder sister of the deceased Syed Mubarak Ali and he was the sole brother of the petitioner and the deceased had another three sisters. According to the petitioner, the deceased was doing transport business, apart from the occupation of Driver, and the deceased had also taken insurance policy and complied with other formalities in respect of the vehicle bearing Registration No.TN 21 P 2363, and the insurance policy was valid between 20.8.2006 and 19.8.2007, and it was a package policy. The petitioner would further state that the said vehicle met with an accident, and her brother died and since the claim has not been settled, the petitioner submitted a representation dated 27.4.2015, to settle the personal accident claim as well as the own damage claim

in respect of the policy No.71050/31/06/00012436, within 15 days from the date of receipt of the representation and since she has not been favoured with any response, came forward to file this writ petition.

3.Heard the submissions of Mr.F.Terry Chella Raja, learned Counsel appearing for the petitioner, and Mr.N.Vijayaraghavan, learned Counsel, who accepted notice for the respondents 1 and 2.

4.This Court, without going into the merits of the representation, directs the second respondent to consider and dispose of the petitioner's representation dated 27.4.2015, on merits, in accordance with law and without putting forth the plea of limitation, within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

nsv

To:

- 1.The Regional Manager
New India Assurance Company
Limited
No.45, Moore Street, V Floor
Chennai 600 001
- 2.The Manager
Motor Personal Accident Claim
New India Assurance Company Limited
East Coast Chamber, II Floor
T.Nagar, Chennai 600 017.

- 1 cc to Mr.N.Vijayaraghavan , Advocate Sr.No.28831
1 cc to Mr.F.Terry Chellaraja , Advocate Sr.No.28506

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W.P.No.16583 of 2015

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pmk.16.6.2015