



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) .No.15862 of 2016

and

W.M.P. (MD) Nos.11628 & 11629 of 2016

Subramanian

... Petitioner

VS

1.The District Collector
Madurai District, Madurai

2.The Regional Deputy Director
Tamil Nadu Government Vehicle
Maintenance Department
Madurai

3.The United India Insurance Co., Ltd.,
Divisional Office VI
P.L.A.Rathina Towers 5th Floor
212, Annasalai, Chennai

... Respondents

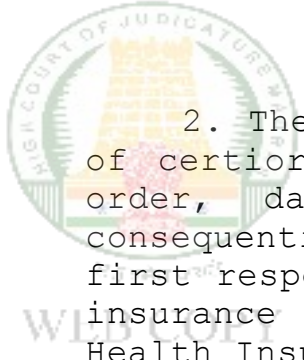
Prayer : Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings, dated 09.05.2016 inso far as serial No.4 is concern and the consequently impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.64005/2012/E5, dated 13.06.2016 and quash the same is illegal and consequently directing the 1st and 3rd respondents to pay the insurance claim amount for the petitioner's insurance under New Health Insurance Scheme 2012 within a stipulated time.

For petitioner : Mr.P.Venkata Subramanian

For Respondents: Mr.M.Murugan
Govt. Advocate

O R D E R

Mr.M.Murugan, learned Government Advocate, takes notice for the respondents. With the consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.



2. The prayer in this writ petition is for issuance of a writ of certiorarified mandamus to quash Serial No.4 of the impugned order, dated 09.05.2016, passed by the second respondent, consequential impugned order, dated 13.06.2016, passed by the first respondent and to direct the respondents 1 and 3 to pay the insurance claim amount of the petitioner paid by him under New Health Insurance Scheme 2012 within a stipulated time.

3. According to the petitioner, he is working as a Store Keeper in Tamil Nadu Vehicle Maintenance Department, Madurai. He has taken Insurance Policy under New Health Insurance Scheme, 2012. On 15.04.2015, his wife was admitted in Meenakshi Mission Hospital and Research Centre, Madurai, to take treatment for acute myeloid leukaemia and after taking treatment she was discharged on 07.05.2014. Again, she was admitted in the said Hospital on 29.05.2014 and discharged on 07.06.2014. However, in spite of treatment, she died on 27.06.2014. The total medical expenses incurred by the petitioner for his wife's treatment was Rs.2,00,492/-. But, he was paid only Rs.40,000/-. For the balance amount of Rs.1,60,492/-, on 23.07.2014, he sent a representation to the second respondent, along with necessary documents. The second respondent, on receipt of the petitioner's representation, forwarded it to the first respondent, who inturn forwarded the same to the third respondent vide proceedings, dated 08.10.2015. The third respondent, by order dated 09.05.2016, rejected the petitioner's claim of reimbursement on the ground that the procedure is not covered and the same was repudiated by their service provider vide CCN No.MD10098758 and forwarded the same to the first respondent. In view of the rejection of reimbursement by the third respondent, the first respondent, by order dated 13.06.2016, returned the petitioner's claim. Aggrieved, the petitioner has filed this writ petition.

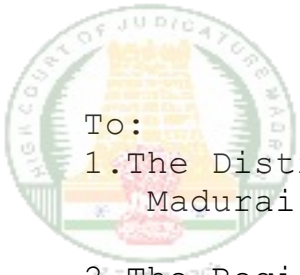
4. It is a well settled legal position that when the Insurance Company repudiates the claim of any insured, the only remedy available to them is to approach the Consumer Forum by way of making a claim thereon. In the present case on hand, the petitioner has very well got the legal remedy before the concerned Consumer Forum. In view of availability of the legal remedy before the Consumer Forum, this Court is not inclined to entertain this writ petition and the same is, therefore, liable to be dismissed.

5. In the result, the writ petition fails and it is dismissed. The petitioner is given liberty to work out his appeal remedy before the concerned Consumer Forum. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CS II)

/True copy/



To:

1.The District Collector,
Madurai District, Madurai.

2.The Regional Deputy Director,
Tamil Nadu Government Vehicle
Maintenance Department,
Madurai.

3.The United India Insurance Co., Ltd.,
Divisional Office VI,
P.L.A.Rathina Towers 5th Floor,
212, Annasalai, Chennai.

+1cc to MR.P.VenkataSubramanian, Advocate SR.NO.47608

+1cc to special Government Pleader SR.No.47703

sm:PV:14/09/2016:3P/6C

W.P. (MD) .No.15862 of 2016 and
W.M.P. (MD) Nos.11628 & 11629 of 2016