

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.3731 of 2016

1. J.David

2. Dr.D.F.Devabala Nirmala

... Petitioners

vs.

1. The Insurance Regulatory and
Development Authority,
rep. by its Chairman,
Third Floor, Parisrama Bhavan,
Basheer Bagh,
Hyderabad - 500 004.

2. Liberty Videocon General Insurance
Co. Ltd.,
Rep. by its Claim Manager,
C6, D6, E6, F6, Level V.Anmol Palani No.ii,
GN Chetty Road,
Chennai - 600 017.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the 1st respondent herein to issue appropriate directions to the 2nd respondent herein to settle the insurance claim of the petitioners in respect of the vehicle bearing Regn.No.TN 05 AT 0222 covered under Policy bearing No.2011-500401-14-1004375-01-000.

For Petitioner : Mr.AL.Ganthimathi

For Respondents: Mr.M.B.Gopalan

1 & 2

Standing Counsel

WEB COPY
O R D E R

The first petitioner is the father and the second petitioner is the daughter. Both of them filed the present writ petition seeking for a Mandamus directing the first respondent to issue appropriate direction to the second respondent to settle the Insurance claim of the petitioners in respect of the vehicle bearing Regn.No.TN 05 AT 0222 covered under the Policy bearing No.2011-500401-14-1004375-01-000.

2. Heard the learned counsel for the petitioners and the learned Standing counsel appearing for the respondents.

3. The subject matter vehicle bearing Regn.No.TN 05 AT 0222 was originally owned by the first petitioner/father and subsequently transferred in the name of the second petitioner in the month of August, 2015, by way of gift also by transferring the name in the R.C. Book. However, the Insurance stood in the name of the first petitioner. It is stated that during the period of Insurance, the vehicle had succumbed to damages due to heavy flood in the first week of December, 2015. Therefore, the petitioners sought for insurance claim from the second respondent namely, the insurer. The grievance of the petitioners is that the said claim has not been considered so far even though such request was made commencing from 11.01.2016 onwards. As the said request was not considered by the second respondent, the petitioners approached the first respondent on 12.01.2016 seeking for a direction to the second respondent to settle the insurance claim. It is stated that the said request made before the first respondent has also not been considered so far.

4. Learned counsel for the petitioner submitted that though the insurance is standing in the name of the father namely, the first petitioner, the petitioners will give appropriate indemnity bond protecting the interest of the second respondent and therefore, there cannot be any impediment for the second respondent to consider the claim.

5. Considering the above stated facts and circumstances and the submissions made by the learned counsel for the petitioners, this Court is of the view that the claim of the petitioners shall be considered by the second respondent also by taking the indemnify bond, if so required from the petitioners, for disbursing the insurance claim, provided the claim made by the petitioner is a bonafide one.

6. Learned counsel for the petitioner has stated that already the assessment report has been filed by the second respondent supporting the claim of the petitioners.

7. Therefore, this writ petition is disposed of by directing the second respondent to consider the insurance claim of the petitioners and pass appropriate orders on the same within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

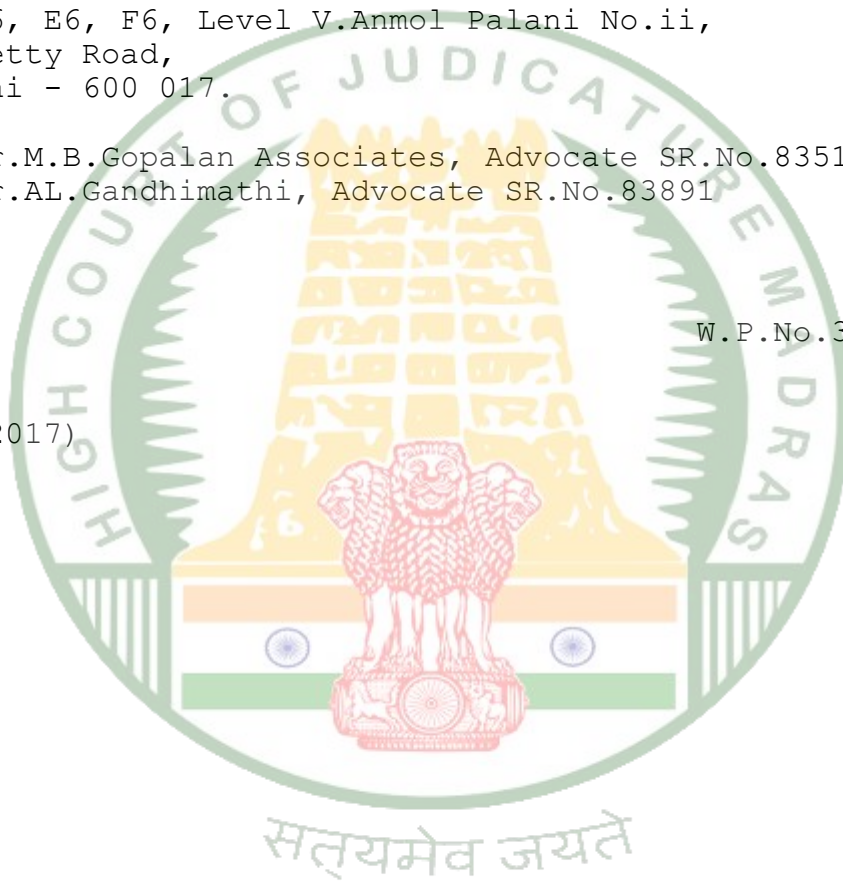
vsi

To

1. The Chairman,
Insurance Regulatory and
Development Authority,
Third Floor, Parisrama Bhavan,
Basheer Bagh,
Hyderabad - 500 004.
 2. The Claim Manager,
Liberty Videocon General Insurance Co. Ltd.,
C6, D6, E6, F6, Level V.Anmol Palani No.ii,
GN Chetty Road,
Chennai - 600 017.
- +1cc to Mr.M.B.Gopalan Associates, Advocate SR.No.83516
+1cc to Mr.AL.Gandhimathi, Advocate SR.No.83891

W.P.No.3731 of 2016

PPA (CO)
GN (13/12/2017)



WEB COPY