



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) Nos.2188 and 2189 of 2017

Annadurai ... Petitioner in W.P.(MD) No.2188 of 2017

Vijaya ... Petitioner in W.P.(MD) No.2189 of 2017

-VS-

1.The Branch Manager,
ICICI Bank,
Tenkasi Branch,
Tenkasi,
Tirunelveli District.

2.The Senior Manager,
ICICI Prudential Life Insurance Company Ltd.,
Unit No.1A & 2A, Raheja Tipco Plaza,
Rani Sati Marg,
Malad (East),
Mumbai - 400 097.

... Respondents in both petitions

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of writs of Mandamus, directing the Respondents to repay the deposited amount to the tune of Rs.2,50,000/- along with accrued interest at the rate of 9% per annum from the date of deposit till the realization of the said amount to each of the petitioner by considering petitioners' representations dated 28.01.2016.

For Petitioner : Mr.N.Sankar Ganesh

For 1st Respondent : Mr.Pala Ramasamy

For 2nd Respondent : Mr.T.Senthilkumar

O R D E R

This writ petition has been filed, for issuance of a writ of Mandamus, directing the Respondents to repay the deposited amount to the tune of Rs.2,50,000/- along with accrued interest at the rate of 9% per annum from the date of deposit to till the realization of the said amount to each of the petitioner by

considering petitioners' representations dated 28.01.2016.

2.The parties along with their respective counsel are present before this Court. The learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents would submit that the dispute between the parties have been amicably settled out of Court. Both the parties have filed memos of settlement dated 28.06.2017, wherein in paragraphs 3 to 5, it is stated as follows:

"3.That in pursuance thereof, but without admitting any liability the policy, as a gesture of goodwill and only as a very special case the Respondents has agreed to cancel the policy number 07215043/07103099 and have paid Rs.3,50,000/- vide cheque No.390452/390451 dated 08.06.2017 drawn on ICICI bank.

4.The Petitioner also unconditionally provide consent for the above said proposition and also undertake not to file any other Complaint or initiate any other legal proceedings in any Court, tribunal or Forum whatsoever in respect of police No.07215043/07103099 against the Respondents or against any Director or officer or employee of the Respondents. On the said clearance of the payment as aforesaid, ICICI Prudential Life Insurance Company Ltd and all its officials shall stand discharged from all its claims and liabilities, direct and indirect what so ever arising in respect of the subject policy.

5.It is further understood and agreed by and between the parties that in pursuance of this settlement, policy no.07215043/07103099 stands terminated with all the coverage and benefits thereunder."

3.In view of the above, these Writ Petitions are dismissed as settled out of Court. No costs.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

+2 cc to MR.S.Sankar Ganesh , Advocate in SR.No. 62453,62452
+1 cc to Mr.T.Senthil Kumar, Advocate in SR.No. 62415

sj

AE/KP/SAR4/10.07.2017/2P/4C

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28.06.2017