



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.18407 of 2018

G.Anusha

: Petitioner

Vs.

1.The Divisional Manager,
National Insurance Company Ltd.,
Divisional Office,
Ankuvilas Building, North Street,
Nagercoil,
Kanyakumari District.

2.The Branch Manager,
National Insurance Company Ltd.,
Thingal Nagar Business Centre,
1/99C, Colachel Road,
Thingal Nagar,
Kanyakumari District.

3.Insurance Regulatory and Development Authority of India,
Sy No.115/1, Financial District,
Nanakramguda, Gachibowli,
Hyderabad-500032

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to settle the Total Loss Claim of Rs.1,00,000/- as mentioned in insurance policy issued by the respondents 1 and 2 as per the conditions of Indian Motor Tariff, within the stipulated period.

For Petitioner : Mr.K.Rajeshwaran

ORDER

This writ petition is seeking for a direction to the respondent/Insurance company to settle the loss claim of Rs.1,00,000/- in terms of the Insurance policy issued by the respondents 1 and 2. The said claim of the petitioner had been resisted on behalf of the respondents by reply notice, dated 25.03.2018.



respondent/Insurance company.

3. The issue is one of the enforcement of the terms of contract entered into between the parties. Therefore, the claim of the petitioner has to be established by letting in proper evidence before the trial Court on the basis of the contractual obligation between the petitioner and the respondent/Insurance company. This Court does not think it can entertain the writ petition filed by the petitioner herein for the relief as claimed in the writ petition. It is always open to the petitioner to approach the competent Civil Court to establish her claim as against the respondents and certainly, it is not open to the petitioner to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India. Therefore, the writ petition is not maintainable and the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

/True Copy/

Sub Assistant Registrar(**CS IV**)

rmk

1CC TO MR. K.RAJESWARAN, ADVOCATE SR 80319

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