

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.19047 of 2017

14.06.2018

Between:

Rao Uma Maheswari

..Petitioner

and

The Telangana State Consumer Disputes Redressal Commission,
Khairatabad, Hyderabad and others

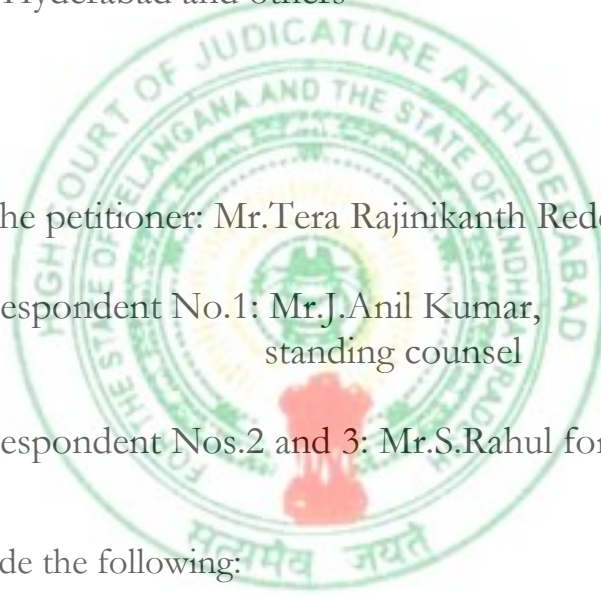
..Respondents

Counsel for the petitioner: Mr.Tera Rajinikanth Reddy

Counsel for respondent No.1: Mr.J.Anil Kumar,
standing counsel

Counsel for respondent Nos.2 and 3: Mr.S.Rahul for Mr.J.Prabhakar

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for issue of *mandamus* to set aside order, dated 03.03.2017, in C.C.I.A.No.21 of 2017 in C.C.(SR) No.4210 of 2016 on the file of the Telangana State Consumer Disputes Redressal Commission, Hyderabad – respondent No.1.

2. The petitioner claims to be the nominee of her brother – Koduru Rambabu, who was insured with respondent Nos.2 and 3 insurance companies, *vide* Policy No.10063400 for a sum of Rs.30,00,000/-; that as per the said Policy, the risk commenced from 11.10.2013 and that the insured paid the first premium amount. The grievance of the petitioner is that though her brother died after payment of the first premium amount, the insurance companies repudiated the Policy and that she could not approach respondent No.1 Commission within the stipulated period of two years as she was in depression of her brother's sudden demise. She, accordingly, filed an application for condonation of delay of 141 days along with the complaint before respondent No.1 Commission and that the said application was dismissed, *vide* the impugned order, without proper reasons.

3. After respondent Nos.2 and 3 entered appearance through Mr.J.Prabhakar, learned counsel, the case was adjourned on many occasions, but no counter-affidavit has been filed so far.

4. A perusal of the impugned order shows that the application for condonation of delay was dismissed on the ground that the counsel was not present from time to time. The learned counsel for the petitioner has submitted that he himself represented the petitioner before respondent No.1 Commission and that as the posting date was wrongly noted, he could not be present on the dates on which the application was posted.

5. This is a case pertaining to the valuable claim of insurance for the death of the insured. Therefore, in our opinion, the petitioner is entitled to an opportunity to pursue the complaint on merits. Hence, in the facts and circumstances of the case, order, dated 03.03.2017, in C.C.I.A.No.21 of 2017 in C.C.(SR) No.4210 of 2016 of respondent No.1 Commission is set aside, however, subject to the petitioner paying costs of Rs.5,000/- (Rupees five thousand only) in favour of respondent No.3 within a period of four weeks from today. If such costs are offered within the above stipulated time, respondent No.3 shall receive the same. On filing proof of payment of costs, respondent No.1 Commission shall assign regular number to C.C.(SR)No.4210 of 2016 and adjudicate the same on merits after hearing both the parties.

6. In the result, the Writ Petition is allowed.

7. As a sequel to allowing the Writ Petition,
W.P.M.P.No.23205 of 2017 stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

14th June, 2018

GHN

