

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No.2931 of 2019
and
W.P.Nos.3196 and 3198 of 2019

K.S.Govinda Prasad

... Petitioner

-vs-

- 1.Union of India represented by
The Senior Divisional Manager,
M/s.United India Insurance Company Limited,
No.6, Ganga Griha, Nungambakkam High Road,
Chennai 600 034.
- 2.The Insurance Ombudsman
For the State of Tamil Nadu and Puducherry,
Office of the Insurance Ombudsman,
Fathima Akhtar Court, 4th Floor,
453, Anna Salai, Teynampet,
Chennai 600 018.
- 3.M/s.Noble Hospital,
No.4 (Old No.44), Audiappa Street,
(Near Lauders Gate), Poo. Lady M.Ct. M. School,
Purasawalkam, Chennai 600 084.
- 4.M/s.Vipul Medcorp Insurance TPA Private Limited,
G.R.Complex, Annexe Building, 2nd Floor,
No.407 & 408, Anna Salai, Nandanam,
Chennai 600 035.

... Respondents

Prayer :- Writ Petition filed under Article 226 of Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records relating to the impugned letter Ref.No.010200/001-2018 dated 02.03.2018 issued by the first respondent herein namely the Senior Divisional Manager, M/s. The United India Insurance Company Limited, No.6, Ganga Griha, Nungambakkam High Road, Chennai 600 034, and the award bearing No. 10/CHN/A/G1/0284/2018-2019 dated 21.01.2019 passed by the 2nd respondent herein namely the Insurance Ombudsman, for the

State of Tamil Nadu and Puducherry, Office of the Insurance Ombudsman, Fathima Akhtar Court, 4th Floor, 453, Anna Salai, Teynampet, Chennai 600 018, quash the above two orders as non-est in the eye of law and consequently direct the 1st respondent herein namely the Senior Divisional Manager, M/s.United India Insurance Company Limited, No.6, Ganga Griha, Nungambakkam High Road, Chennai 600 034, to reimburse to the petitioner the balance amount of Rs.1,44,967/- incurred towards the petitioner's medical expenses with the third respondent Hospital within a time frame that may be stipulated by this Court.

For Petitioner : Mr.K.S.Govinda Prasad (Party-in-Person)

For Respondents: Mr.M.Danasegaran for R1
No appearance for R2 to R4

O R D E R

The Petitioner has taken an insurance policy from the First Respondent, viz., United India Insurance Company Limited for a sum of Rs.1,00,000/- for medical treatment. As per the terms of the policy, the hospitalization benefits for hernia hysterectomy would be the actual expenses or 25% of the sum insured, whichever is less. The Petitioner incurred an expenditure of a sum of Rs. 1,69,697/- and he was paid a sum of Rs.25,000.- by the First Respondent.

2. Having regard to the fact that the lesser amount, viz., Rs.25,000/-which is 25% of the sum insured has been fully paid to the Petitioner, he is not eligible for the balance amount of Rs.1,44,967/- that has been claimed in the Writ Petition.

3. Recording the same, the Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No Costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Senior Divisional Manager,
Union of India,
M/s.United India Insurance Company Limited,
No.6, Ganga Griha, Nungambakkam High Road,
Chennai 600 034.

2.The Insurance Ombudsman
For the State of Tamil Nadu and Puducherry,
Office of the Insurance Ombudsman,
Fathima Akhtar Court, 4th Floor,
453, Anna Salai, Teynampet,
Chennai 600 018.

+1cc to Mr.Govindaprasad, Advocate Sr.49534
+1cc to Mr.Venkatesan, Advocate Sr.48509

W.P. No.2931 of 2019

mg[co]
srg 25/07/2019



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