

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.3899 of 2019

Kancheepuram District Consumer
Co-operative Wholesales Stores,
Represented by its Managing Director,
G.1113, No.185, Prakasam Salai,
Chennai-600108.Petitioner

Vs.

The Senior Divisional Manager,
Oriental Insurance Company Ltd
Divisional Office-2,
4th Floor, UIL Building and Esplanade,
Chennai-600108.Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the order passed by the respondent in letter dated 05.06.2014 and quash the same and to direct the respondent to pay for the compensation of Rs.2,03,09,400/- to the petitioner.

For Petitioner : Mr.V.Selvaraj

O R D E R

This writ petition is filed challenging the order of the respondent dated 05.06.2014, wherein and whereby, the money claim made by the petitioner in respect of a policy taken from the respondent-Insurance Company was rejected, by stating certain reasons, which go to the factual aspects of the matter.

2. This Court, after hearing the learned counsel for the petitioner and perusing the materials placed in the typed set of papers, is not inclined to entertain the writ petition mainly on the reason that the dispute raised in this writ petition is purely a money claim, which has to be gone into and decided only after letting in evidence and considering the factual aspects of the matter by the appropriate civil forum.

3. The learned counsel appearing for the petitioner submitted that there is no arbitration clause between the parties. If that be the case, it is for the petitioner to workout their remedy before the competent Civil Court. Without doing so, filing a writ petition, that too, after a period of nearly four and half years cannot be entertained, more particularly, this Court is exercising its discretionary jurisdiction of Article 226 of the Constitution of India. Accordingly, this writ petition is disposed of with the observation as stated supra. No costs.

Sd/-

Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

sni/vri

To

The Senior Divisional Manager,
Oriental Insurance Company Ltd
Divisional Office-2,
4th Floor, UIL Building and Esplanade,
Chennai-600108.

+1cc to Mr.P.Paramasivadoss, Advocate SR.No.12725

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BR(CO)
GMY(06/03/2019)

सत्यमेव जयते

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