

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2019

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 4577 of 2012

and

M.P.No.2 of 2012

1. Mr. Krishna Vijayan,
2. Dr. Vijayalakshmi
3. Mr.P. Ayyappan
4. Mr. P.Sabarish Karthik

... Petitioners

Vs

1. SBI Cards and Payment Services
Private Limited,
11 th Floor, Tower "C",
DLF - Infinity Tower,
DLF - Phase II,
Gurgaon 122002,
Haryana State.
2. M/s. United India Insurance Co. Ltd.,
rep. by its Divisional Manager,
Divisional Office No.011600,
Tarapore Towers,
4th floor, No.826, Anna salai,
Chennai .
3. M/s. United India Insurance CO. Ltd.,
rep. by its Divisional Manager,
Divisional Office No.IX,
No.604, Kailash Building,
6th floor, 26, K.G. Marg,
Canaught Place,
New Delhi 110 001.
4. M/s. United India Insurance CO.Ltd.,
rep. by its Divisional Manager,
Delhi Regional Office I,
8th Floor, Kanchanjunga Buildings,
New Delhi 110 001

...Respondents

(R1 Cause title Amended as per order dated 17.08.2012 in
W.P.No.4577/2012)

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to disburse the insurance claim with interest at the rate of 24% from the date of accrual of the claim in respect of the personal accident claim No.172/2000 relating to claim No.040900/42/00/00172, Sr. No.1 in Policy NO.040900/ 42/ 07/ 12400/99 bearing State Bank of India Card No.4006-6610-1768-0971 of the deceased Dr. Premkumar in favour of the third and fourth petitioners, sons of the deceased.

For Petitioners: Mr. H. Nazirudeen

For Respondents: Mrs. B.Deepika,
for Mr.S.Bageerathan,
for R1

: MR. S.Arunkumar, for R2 to R4

O R D E R

This writ petition has been filed seeking a direction to the respondents to disburse the personal accident claim of one deceased Dr.Premkumar, in favour of the petitioners 1 and 2, who are the parents and petitioners 3 and 4, who are the children of the deceased.

2. According to the petitioners, the deceased Premkumar is a SBI Card holder with card No.4006 6610 1768 0971, and he died in a road accident on 27.08.2000. The deceased was survived by the petitioners herein. According to the petitioners, the deceased was eligible for personal accident claim of Rs. 2 lakhs, and after the death of the Premkumar, the petitioners are entitled to receive the claim. Even though the petitioners made a claim petition before the respondents and submitted all the required documents, the respondents failed to pay the amount. Hence, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioners, being the legal heirs of the deceased Premkumar, are entitled to receive the claim. Despite submitting, all necessary documents, the respondents have not passed any orders.

4. Mr. S.Arunkumar, learned counsel appearing for the respondents 2 to 4, on instructions, submitted that though all the papers are in order, now the scheme itself was closed, and the respondents 2 to 4 are not in a position to pay the amount.

5. I have considered the rival submissions and perused the materials available on record.

6. It is not disputed that the deceased Premkumar have the insurance policy, the petitioners being his legal heirs are entitled to get the claim. It is not disputed that at the time of Accident, the scheme was alive. That apart, the petitioners have submitted all the required documents on 06.12.2006 itself. In the above circumstances, merely because the policy was closed subsequently, the respondent cannot deny the claim.

7. In such circumstances, the respondents are directed to pay a sum of Rs.2 lakhs with interest at the rate of 6% from 06.12.2006 with in a period of six(6) weeks from the date of receipt of a copy of this order and the petitioner also directed to furnish copy of all the required documents once again to the respondents, enabling them to process the claim.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

mrp

To

1. SBI Cards and Payment Services
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Haryana State.

2. The Divisional Manager,
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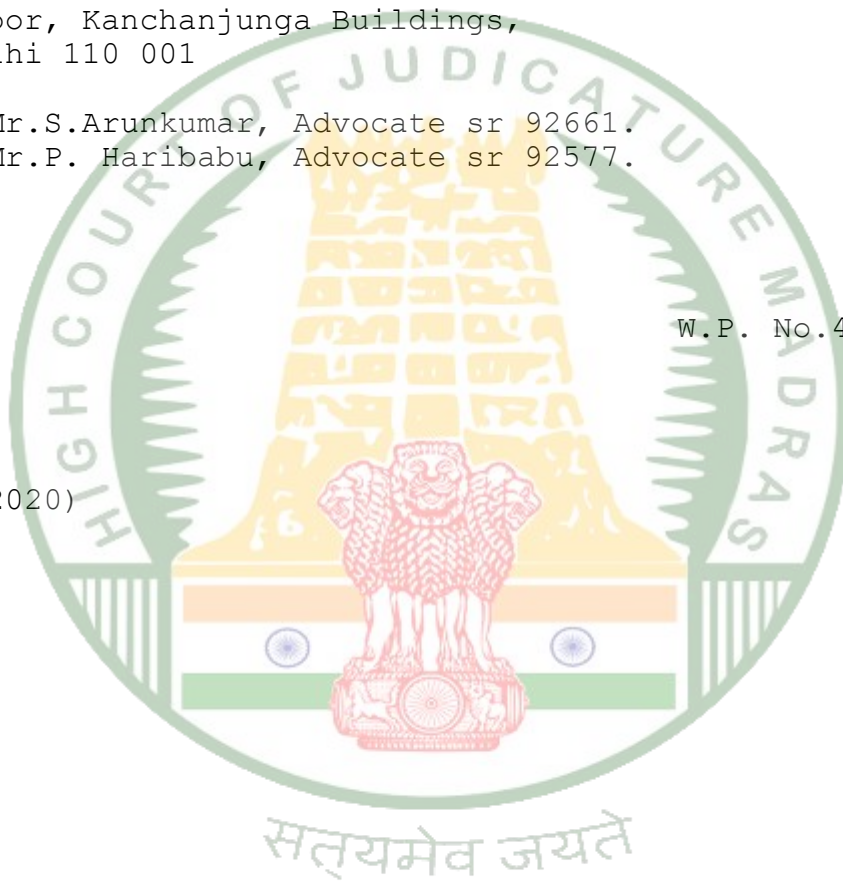
3.The Divisional Manager,
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+1 CC to Mr.S.Arunkumar, Advocate sr 92661.
+1 CC to Mr.P. Haribabu, Advocate sr 92577.

W.P. No.4577 of 2012

SP(24/01/2020)



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