



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P (MD) No.26657 of 2019

South Indian Green Cardamom Company Ltd.,
Rep.by its Chief Financial Officer,
Door No.111/505A and 505B
Kumily Mannar Road,
Panpoompara
Iduki District, Kerala.

.. Petitioner

Vs.

The United India Insurance Company Ltd.,
rep.by its Divisional Manager,
Divisional Office,
457, Victoria Extension Road,
Tuticorin.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider and pass orders on the petitioner's representation dated 25.6.2018 and 17.5.2019 seeking release of insurance claim within time that may be stipulated by this Court.

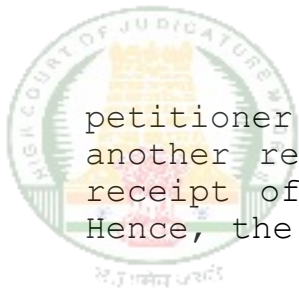
For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.G.Prabhu Rajadurai

ORDER

This writ petition has been filed seeking a direction to the respondents to consider the petitioner's representations dated 25.06.2018 and 17.05.2019 to release the insurance claim made by the petitioner company.

2.The petitioner is a registered company under the Companies Act, 1956, doing business of cultivation and sale of green cardamom and other species. Since cardamom is an expensive commodity, the consignments were insured with the respondent Insurance Company towards risk of safe delivery of the goods. While so, out of 18 bags of cardamom, 13 bags of consignment had been stolen during transit. Though the said consignment was insured with the respondent Insured Company, the insurance claim made by the petitioner company for the aforesaid loss was not considered by the respondent. Therefore, the



petitioner has made a representation dated 25.06.2019, followed by another representation dated 17.05.2019 to the respondent. Despite receipt of the same, no action has been taken by the respondent. Hence, the petitioner is before this Court.

3.The learned counsel appearing for the respondent, upon notice, submitted that the representation of the petitioner will be considered in accordance with law by the respondent.

4.In view of the above submission, the respondent is directed to consider the petitioner's representation dated 17.05.2019 and pass orders on the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner.

5.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Mj

TO

The United India Insurance Company Ltd.,
rep.by its Divisional Manager,
Divisional Office,
457, Victoria Extension Road,
Tuticorin.

+1 CC to M/s.M.MAHABOOB ATHIFF, Advocate (SR-105650[F] dated 18/12/2019)

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-105857[F] dated 19/12/2019)

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17.12.2019

KK/SAR/07.01.2020/2P-4C/