



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.600 of 2020

T.Parthipan

... Petitioner

Vs.

1.The Manager,
SBI General Insurance Company Ltd.,
1st Floor, Sindhya Commercial Complex,
No.332/2, Sundaram Nagar, 1st Street,
Medical College Road,
Thanjavur, Thanjavur District.

2.The Chief Manager,
State Bank of India,
Pattukkottai Branch,
95/104, Thalayari Street,
Pattukkottai,
Thanjavur District.

... Respondents

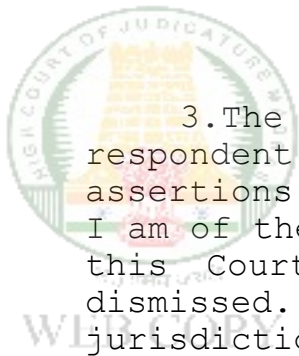
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to take speedy steps to settle the insurance claim amount to the petitioner as per policy in number 0000000009081248 for Rs.11,00,000/- as limit of indemnity in respect of damages caused due to Kaja Cyclone on 16.11.2018 to his factory namely Deepan Cement Works at 211/1, Thanda Velalar Street, Thamarankottai Post, Pattukkottai Taluk, Thanjavur District and also direct the 2nd respondent to close the petitioner's Mudra Loan Account in No.37680617967 by adjusting said insurance claim amount.

For Petitioner : Mr.R.Gowrishankar
For Respondents : Mr.G.Kalyana Jhabakh
For M/s.Surana & Surana for R1
Mr.C.Karthik for R2

O R D E R

Heard the learned counsel on either side.

2.The petitioner states that he is running a factory in the name and style of Deepan Cement Works and that they availed loan under Mudra Loan Scheme from the second respondent. The loan included insurance policy also. The petitioner states that during Kaja cyclone he suffered extensive loss and damage and that therefore, he was entitled to claim the policy amount. The petitioner's request was not considered by the first respondent. Hence, he had filed this writ petition.



3.The learned standing counsel appearing for the first respondent filed a detailed counter affidavit in which the factual assertions made by the petitioner have been seriously controverted. I am of the view that in writ proceeding, it may not be possible for this Court to grant relief. Therefore, the writ petition is dismissed. The petitioner is given liberty to move the jurisdictional consumer forum. The petitioner's counsel states that he will file an appropriate complaint before the jurisdictional consumer forum within a period of four weeks from the date of receipt of a copy of this order. If such a complaint is received, the jurisdictional consumer forum will entertain the same without reference to limitation. The jurisdictional consumer forum is also directed to expedite the enquiry and dispose of the complaint to be filed by the petitioner herein within a period of eight months thereafter. The petitioner will be entitled to adduce evidence also. I make it clear that I have not gone into the merits of the matter. The contentions of both the parties are left entirely open. It is for the jurisdictional consumer forum to adjudicate the matter in accordance with law. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias/dss

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy,shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.SURANA & SURANA, Advocate (SR-15153[F] dated 27/08/2020)

+1 CC to M/s.R. GOWRI SHANKAR, Advocate (SR-15201[F] dated 28/08/2020)

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SPU(31.08.2020) 2P 3C