



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.20799 OF 2013

AND

M.P.NO.1 OF 2013

K.Kavitha

... Petitioner

-Vs-

The Manager (Legal),
The Oriental Insurance Company Ltd.,
No.115, II Floor, Oriental house,
Broadway, (Parakasam Salai),
Chennai - 600 104.

... Respondent

PRAYER:-

Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records on the file of the respondent pursuant to the impugned order dated 07.06.2011, quash the same and consequently direct the respondent to compensate the petitioner as per the policy No.412200/31/2011/9835.

For Petitioner : Mr.A.Deivasigamani

For Respondent : Mr.S.Arunkumar

O R D E R

The order impugned dated 07.06.2011 states that the petitioner had intimated the claim to the Insurance Company 42 days prior to the date of theft. The respondent has stated that as per the policy condition, the intimation should be given within 48 hours from the date of occurrence. Thus, the claim petition was rejected. There is a contractual dispute between the petitioner and the Insurance Company. The claim of the petitioner was rejected based on certain terms and conditions of the insurance policy. Therefore, adjudication of facts are required for the purpose of deciding the issues. Such an



adjudication cannot be done in a writ proceedings by the High Court under Article 226 of the Constitution of India. There is a forum for the purpose of such adjudication either before the Ombudsman or before the Appellate Authority. Thus, the petitioner is at liberty to approach the competent forum for the purpose of adjudication of disputes in the manner known to law. In the event of approaching the authorities or Ombudsman, the delay if any shall be condoned taking into consideration the period of pendency of the Writ Petition and the issues are to be decided on merits.

2. With these observations, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vji / mka

To

The Manager (Legal),
The Oriental Insurance Company Ltd.,
No.115, II Floor, Oriental house,
Broadway, (Parakasam Salai),
Chennai - 600 104.

+1cc to Mr.G.B.Saravanabhavan, Advocate, S.R.No.50172

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BR(CO)
PBS/28/10/2021