



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-10-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.25426 of 2013

1.C.G.Kumar
2.Mrs.Radha Gopal
3.C.G.Balaji
4.Mr.Aditya G.R.Damodaran ..Petitioners

vs.

M/s.Life Insurance Corporation of India,
Represented by its Branch Manager,
Tatabad Branch,
Coimbatore - 641 012.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to release the claim amount for the Policy Nos.760257543, 762322574, 760299565, 66511244 and 45189790.

For Petitioners : Mr.N.Surya Senthil

For Respondent : Dr.S.S.Swaminathan

O R D E R

The relief sought for in the present writ petition is to direct the respondent to release the claim amount for the Policy Nos.760257543, 762322574, 760299565, 66511244 and 45189790.

2. The first petitioner is the son. The second petitioner is the wife of the deceased Mr.P.N.Gopal. The third and fourth petitioners are the brothers of the first petitioner.

3. The first petitioner states that his father Mr.P.N.Gopal expired on 10.04.2010 due to illness. The father of the first petitioner was the beneficiary under Life Insurance Corporation of India policies (as above) issued by Tatabad



Branch, Coimbatore. The first petitioners had intimated the death of his father to the respondent-Life Insurance Corporation of India and made a request for settlement of claims.

4. The grievances of the petitioners are that the respondent-Life Insurance Corporation of India is asking various unnecessary documents for the purpose of settling the claims.

5. This Court is of the considered opinion that the Insurance Policy is a contract between the parties. The terms and conditions of the Insurance Policy and its violations, if any, are to be adjudicated before the Competent Forum, in order to crystallise the rights of the parties. Such an exercise cannot be undertaken by the High Court in the present writ petition under Article 226 of the Constitution of India.

6. Thus, the petitioners have to approach the Competent Appellate Authority or the Forum created for the purpose of resolving such disputes. However, such disputes between the parties, based on contractual obligations, are to be adjudicated with reference to the original documents and evidences, including oral evidences. Thus, the petitioners are at liberty to approach the Competent Court of Law or Forum for the purpose of resolving the disputes and redress their grievances.

7. With the abovesaid liberty, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Svn

To

The Branch Manager,
M/s.Life Insurance Corporation of India,
Tatabad Branch,
Coimbatore - 641 012.

+1cc to M/s.S.S.Swaminathan, Advocate Sr No.54361

WP 25426 of 2013

GSM (CO)
PR (12/11/2021)