



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.07.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 15120 of 2021

S. Vetri Ashwath

.. Petitioner

Versus

1. The Branch Manager,
The New India Assurance Company Limited,
Branch 712402,
No.4, Muthukinga Reddy Street,
West Tambaram (Opp. Police Station)
Chennai - 600 045.
2. The New India Assurance Company Limited,
Regional Office, No.770A, Deva Towers,
2nd & 3rd Floor, Mount Road,
Anna Salai, Chennai - 600 002.
3. M/s Cada Software India P.Ltd.,
No.5, Dr.V.S.I Estate Thiruvannamur,
Chennai - 600 041.

.. Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus to direct the 1st and 2nd respondents to process the death claim pertaining to the insurance policy No.42/03/00116 purchased by the 3rd respondent in the name of the petitioner mother - late Malini, in the light of the petitioner representation dated 04.03.2021 and to settle the insured amount along with an interest to the petitioner within the stipulated time.

For Petitioner : M/s. Paul and Paul

ORDER

The relief sought for in this writ petition is to direct the respondents 1 and 2 to process the death claim relating to the insurance policy purchased by the 3rd respondent in the name of the petitioner's mother late Malini, by considering the petitioner's representation dated 04.03.2021 and to settle the insured amount along with interest to the petitioner within the time frame to be fixed by this Court.



2. According to the petitioner, while he was minor, his father and mother had a matrimonial row and ultimately, in a scuffle, his father assaulted his mother and hanged her to death. On the same day, his father also died due to suicide by hanging. It is stated that the petitioner, who was born on 28.11.2002 was a minor by then and he had been taken care of his grand mother. It is also stated that the mother of the petitioner, while working in the 3rd respondent company, took an insurance coverage in the said company under policy No.42/03/00116. According to the petitioner, the first respondent had sent several intimations on 22.07.2004, 30.06.2006 and 21.03.2007 to the grandmother of the petitioner to furnish certain documents. Thereafter, the grandmother of the petitioner also filed G.W.O.P. No. 68 of 2007 before the Principal District Judge, Chengalpet, which was subsequently transferred to the Court of Principal District Judge, Thiruvallur for want of jurisdiction and ultimately, the Petition was dismissed for default.

3. Now, it is stated by the petitioner that he attained majority on 20.11.2020 and therefore, he can process the claim for settlement of the amount from the respondents by himself. The petitioner also stated to have sent a representation dated 4.3.2021 to the respondents requesting them to process the claim regarding insurance policy No.42/03/00116 purchased by her mother and to settle the amount along with interest as expeditiously as possible . Though the respondents 1 and 2 received the said representation on 4.3.2021, no action has been taken thereof, hence the petitioner has come forward with this writ petition.

4. The learned counsel for the petitioner submitted that the respondents are in possession of the claim amount from 2004 onwards without settling it by harping on technicalities. Since the petitioner has now attained majority, he is legally entitled to receive the insurance claim amount. He would further submit that the petitioner is pursuing his studies with the help of his ailing grandfather and if the claim amount is settled, it will be beneficial for petitioner's future educational expenses.

5. It is apparent that when the petitioner was minor, the first respondent had written several communications to the grandmother of the petitioner and called upon her to furnish certain documents as a condition precedent for settling the claim amount. However, the grand mother of the petitioner, due to ignorance, could not furnish those documents. Be that as it may, now the petitioner has attained majority and therefore, there may not be any legal impediment for the petitioner to receive the claim amount settled by himself. The petitioner also said to have submitted a representation on 04.03.2021, but it has not



received the attention of the respondents so far. Therefore, having regard to the submissions now made by the learned counsel for petitioner, this Court, is inclined to direct the respondents 1 and 2 to consider the representation of the petitioner dated 04.3.2021 and pass appropriate orders, after giving an opportunity of personal hearing to the petitioner, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr/rsh

To

1. The Branch Manager,
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+1cc to Mr.Paul and Paul, Advocate Sr No.35227

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PCH (CO)
PR (16/09/2021)