



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P. No. 18043 of 2021
and
W.M.P. No. 19271 of 2021

P. Sakthi

.. Petitioner

Versus

1. Liberty General Insurance Ltd.,
D. No. 574-C, 2nd Floor
Vayaluran Tower, D.B. Road
R.S. Puram (South)
Coimbatore - 641 002

2. I FIN Marketing
T.B. Link Road
Krishnagiri - 635 001

3. Branch Manager
HDFC Bank
No.41B, BharathiPuram
Dharmapuri - 636 705

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to release the insurance claim amount to the petitioner which he is entitled under the Policy No. 201150040219700084100000 by considering the representation dated 29.05.2020 sent by the petitioner through letter

For Petitioner

: Mr. C. Umashankar

O R D E R

The relief sought for in this Writ Petition is to issue a Mandamus directing the respondents to release the insurance claim amount to the petitioner under the Policy bearing No. 201150040219700084100000, by considering his representation dated 29.05.2020.

2. According to the petitioner, he purchased a second hand car from the second respondent, by getting financial assistance from the third respondent viz., HDFC Bank to the tune



of Rs.6,11,000/- under "used Car Purchase Loan". On the date of purchase of the said car, the second respondent assured that they will complete all the required formalities including transfer of name in Regional Transport Office, for which, they have collected Rs.12,000/- from the petitioner separately. On 27.5.2020, the petitioner's car met with an accident, in which, his car was toppled and capsized, due to which, the car was heavily damaged and in respect of the same, a case was also registered in CSR. No.156 of 2020 in Palacode Police Station. Immediately, the petitioner has informed the first respondent about the accident. Later, he was informed by the first respondent that his car was not covered under the insurance policy and hence they will not process his request for the reason that the insurance policy was not mutated in his name.

3. It is averred by the petitioner that the second respondent is duty bound to forward the necessary form signed by the erstwhile owner to RTO to change his name, but only on 13.07.2020, the second respondent sent a letter to the first respondent, explaining about the change of name and other things. Even after receiving the said letter, the first respondent citing the reason of name not changed, is trying to escape from the liability of payment of insurance claim for the vehicle though all the premium in respect of insurance policy had been duly paid .

4. It is the grievance of the petitioner that the third respondent is pressuring to pay EMI for the accident-borne car, that too, when the insurance claim is yet to be paid for the said car, and in the event of such payment, it can be adjusted towards entire loan amount. Having regard to the same, he has made a claim on 29.5.2020 before the first respondent about the car accident and requested that EMI for the said car may be stopped to the third respondent. Finding no response on the said claim, the petitioner has come forward with the present writ petition for the aforesaid relief.

5. Heard the submissions of the learned counsel appearing for the petitioner and perused the materials available on record.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel for the petitioner, this court directs the respondents to consider the petitioner's claim dated 29.5.2020 seeking release of insurance claim and pass orders on the same on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner within a period of six weeks from the date of receipt of a copy of this order.



7. The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

msr

To

1. Liberty General Insurance Ltd
D. No. 574-C, 2nd Floor
Vayaluran Tower, D.B. Road
R.S. Puram (South)
Coimbatore - 641 002.

2. The Branch Manager
HDFC Bank
No.41B, Bharathipuram, Dharmapuri - 636 705

+1cc to Mr. C. Umashankar, Advocate, S.R.No.43480

W.P. No. 18043 of 2021

KSM(CO)
CT(22/09/2021)