



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.30066 of 2018
and WMP.No.35079 of 2018

C.Sukumar

... Petitioner

Vs

1. The Insurance Regulatory and
Development Authority of India,
Delhi Officer - Gate No.3,
Jeevan Tara Building, First Floor,
Sansad Marg, New Delhi - 110 001.
2. The Senior Divisional Manager,
National Insurance Company,
No.73, Perundurai Road, Erode.
3. The Branch Manager,
National Insurance Company Limited,
1st Floor, Karthikeya Complex,
403, B-10 Mettur Main Road,
Bhavani, Erode District - 638 301.

4. K.M.Ponnusamy

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus directing the respondents 2 & 3 to consider the petitioner's representation dated 22.10.2018 and to disburse the insurance claim amount in respect of Insurance Policy No.650503/11/17/3100000400 dated 19.09.2017 to the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Periyasamy

For R1 : Mr.M.B.Gopalan
for M/s.M.B.Gopalan Associates

For R2 & R3 : M/s.Nageswaran & Narichania

For R4 : No appearance



O R D E R

The prayer made in this writ petition is to direct the respondents 2 & 3 to consider the petitioner's representation dated 22.10.2018 with regard to disbursement of the insurance claim amount in respect of Policy No.650503/11/17/3100000400 dated 19.09.2017 to the petitioner within a stipulated time to be fixed by this Court.

2. According to the petitioner, he is the owner of the property measuring to an extent of 4000 sq.ft. bearing No.5/611-63 at Chinnappa Spinning Mills Compound, N.C.Colony, Veppadai, Namakkal. On 04.04.2017, he leased out the said property to the fourth respondent, who is doing yarn recycling business in the name and style of M/s.KPR Textile Marketing in the said property. The fourth respondent insured all the stocks, machineries and also building of the petitioner with the respondents 2 & 3, which are controlled by the first respondent by taking out an insurance policy bearing no.650503/11/17/3100000400 dated 19.09.2017 for the period from 19.09.2017 to 18.09.2018 for the coverage amount of Rs.1,23,00,000/-, in which, the building was valued and insured for a sum of Rs.20,00,000/-.

3. The petitioner further averred that on 12.06.2018 at about 5.00 p.m., fire shock happened in the Electrical Panel Board, due to which the entire stocks and machineries were got fired; the building was totally damaged; and the walls and ceiling were completely destroyed due to excessive heat generated by the ferocity of the fire. In this regard, FIR in Crime No.408/2018 was registered on 19.06.2018 by the Inspector of Police, Pallipalayam Police Station, Namakkal District. Subsequently, the fourth respondent made an application claiming damages to the respondents 2 and 3 and he also agreed to compensate the petitioner with respect to the damage caused to the building to the tune of Rs.30 lakhs. It is the grievance of the petitioner that the fourth respondent is now, trying to get the insurance amount from the respondents 2 and 3 and leave from the scene of occurrence, without paying any amount to the petitioner. Feeling aggrieved, he made a representation dated 22.10.2018 to the respondents 1 to 3, requesting to pay damages for the building directly to him. Since no action was taken on the said representation, the petitioner has come up with this writ petition for the aforesaid relief.

4. The learned counsel for the petitioner submitted that as per the norms and guidelines framed by the first respondent, the petitioner is entitled to receive the compensation directly from the respondents 2 and 3 for the damage caused to the building,



due to fire accident. Hence, the learned counsel prayed that appropriate direction be issued to the respondents 2 and 3 to consider the representation of the petitioner, while disbursing the compensation amount to the fourth respondent.

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5. On the other hand, the learned counsel for the respondents 2 and 3 submitted that the respondent authorities would consider the representation of the petitioner dated 22.10.2018 and pass orders, on merits, within a time frame to be stipulated by this court.

6. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this court, without going into the merits of the case, directs the respondents 2 & 3 to consider the petitioner's representation dated 22.10.2018 and pass appropriate orders, on merits and in accordance with law, after providing an opportunity of hearing to the petitioner and the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

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To

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