



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.427 of 2021

WEB COPY

Rasu

... Petitioner

Vs

1.M/s.Liberty General Insurance Ltd.,
10th Floor, Tower A,
Peninsula Business Park,
Gapatrao Kadam Marg,
Lower Pard,
Mumbai-400 013.
Rep. by its Managing Director

2.M/s.Liberty General Insurance Ltd.,
3rd Floor , Raja Parle Building,
79/12, Bypass Road,
Madurai-625 010.
Rep. by its Branch Manager

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to disburse a sum of Rs.15,00,000/- along with interest towards the Personal Accident Cover for the death of petitioner's son Mr.Naganathan in Policy No.201250040319800138200000 within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

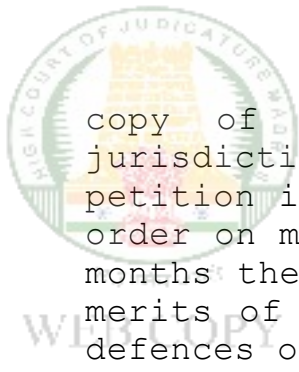
ORDER

Heard the learned counsel for the petitioner.

2.The petitioner's son passed away. A policy was taken with the respondent Insurance Company. Contending that the policy is not being honoured, the Writ Petition has been filed.

3.The respondent is not a Public Sector Undertaking. It is not a State Instrumentality falling within the definition of 'State' under Article 12 of the Constitution of India.

4.I am therefore of the view that Writ is not maintainable. The learned counsel for the petitioner, at this stage, stated that he would move the jurisdictional consumer forum in this regard. Liberty is granted. The learned counsel for the petitioner states
<https://hcservices.ecourt.gov.in/hcservices/> period of two weeks from the date of receipt of a



copy of this order, he will file a complaint before the jurisdictional consumer forum. If within the said period, such a petition is filed, the jurisdictional consumer Court shall pass an order on merits and in accordance with law, within a period of six months thereafter. I make it clear that I have not gone into the merits of the matter. The contentions of the petitioner and the defences of the respondent are left open.

5.The Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to Mr.JERIN MATHEW, Advocate (SR-1234[F] dated 19/01/2021)

W.P.(MD)No.427 of 2021

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KM (04.02.2021) 2P 2C