



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A.(MD)No.854 of 2020
and
C.M.P.(MD)No.4763 of 2020

M/s.Sri Maruthi Polymers,
412 E, Theni Main Road,
Meenatchipuram Vilakku,
Bodinayakkanur,
Theni District - 625 582.

...Appellant/Writ Petitioner

Vs.

1.M/s.United India Insurance Co. Ltd.,
Divisional Office : 090100,
457, V.E.Road, P.B.No:107,
Tuticorin - 628 002.

2.Grievances Cell,
United India Insurance Co. Ltd.,
Pattulos Road,
Chennai - 600 006.

3.Insurance Regulatory and Development Authority of India,
Old No.312, New No.453,
Fathima Akthar Court, 4th Floor,
Anna Salai,
Chennai - 600 018.

4.M/s.Tamilnad Mercantile Bank Ltd.,
Rep. by its Branch Manager,
D.No.22, Ponnambalam Street,
Bodinayakkanur,
Theni District - 625 513.

5.M/s.Tamilnadu Mercantile Bank Ltd.,
Rep. by its Branch Manager,
30, Besant Road, Chinnachokkikulam,
Madurai - 625 002.



6.Banking Ombudsman,
Office of the Banking Ombudsman,
Reserve Bank of India,
16, Fort Glacis, Rajaji Salai,
Chennai - 600 001.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent as against the order dated 31.08.2020 made in W.P.(MD)No.21344 of 2019.

Prayer in WP(MD). 21344/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records pertaining to the order passed by the 1st respondent dated 02.08.2019 and quash the same and consequently directing the 1st respondent to pay the genuine compensation due to the fire accident on 27.05.2018 at Sri Maruthi Polymers.

For Appellant : Mr.C.Vakeeswaran

For Respondents : No appearance
for RR.1, 3 & 6

Mr.A.Shajahan for R.2

Mr.N.Dilip Kumar,
Standing Counsel for RR.4 & 5

JUDGMENT

(Judgment of the Court was delivered by **M.M.SUNDRESH, J.**)

This litigation involves three different entities, namely, the appellant, the bank and the insurance company. The very case of the appellant is that it is the mistake committed by the bank. The incidental contention is that the bank, in any case, is liable.

2. We are of the view that these issues cannot be adjudicated in this proceedings, as the remedy against the bank is only by way of filing either a suit or approaching the Consumer Forum. In such view of the matter, the appellant is given liberty to approach the Consumer Forum within a period of two weeks from the date of receipt of a copy of this judgment. If that is done, the question of limitation shall not be put against the appellant, as we are inclined to invoke Section 14 of the Limitation Act. As and when, an application is filed before the Consumer Forum, we expect the said entity to dispose of the same within a period of six months from the institution of such application. We further make it clear that all the issues are left open.



3. In fine, this writ appeal stands disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

GK

+1 CC to Mr.C.VAKEESWARAN, Advocate (SR-10644[F] dated 12/03/2021)

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-10728[F] dated 12/03/2021)

Order made in
W.A. (MD)No.854 of 2020 and
C.M.P. (MD)No.4763 of 2020
11.03.2021

SSS(CO)

SRS (23/03/2021) 3P : 3C