



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.13640 of 2021

WEB COPY

Suji

... Petitioner

Vs.

1. The Divisional Officer,
Oriental Insurance Company Limited,
Divisional Office, 1st Floor, D.D.J.Centre,
Opposite Vadasery Bus Stand,
Nagercoil, Kanyakumari District.

2. The Branch Manager,
Oriental Insurance Company Limited,
481, 1st Floor, SM Complex,
Singara Thopppu, M.S.Road,
Parvathipuram, Nagercoil,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to disburse Insurance Money to the petitioner for damage of the petitioner's JCB 205 Kittachi bearing invoice number 1160004074, Insurance Policy Number is 480991/44/2020/4 based on the petitioner's representation dated 12.09.2020.

For Petitioner : Mr.S.Muniyandi

ORDER

The petitioner seeks a direction to the second respondent to disburse amounts payable by way of an insurance claim for the damage caused to the petitioner's JCB 205 Kittachi vehicle.

2. The petitioner states that the aforesaid vehicle was damaged at a stone quarry. When the said vehicle was taken to the workshop for repairs, a sum of Rs.2,66,312/- (Rupees Two Lakhs Sixty Six Thousand Three Hundred and Twelve only) was charged. Since the vehicle was insured by the respondents herein, the petitioner made a claim in terms of the insurance policy dated 25.08.2020. Such claim was rejected by stating that the damage was caused due to a mechanical breakdown and that such mechanical breakdown comes within the exclusion under the relevant policy.

3. From the above narration, it is evident that there is a dispute between the petitioner and the respondents with regard to the cause of the accident and the consequential damage to the



vehicle. Such dispute cannot be resolved in proceedings under Article 226 of the Constitution. It is a dispute arising out of the insurance policy and clearly the adjudication of such dispute would entail adducing of evidence.

4. Accordingly, W.P.(MD).No.13640 of 2021 is dismissed without any order as to costs by leaving it open to the petitioner to institute appropriate legal proceedings in accordance with law to claim amounts under the insurance policy.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

W.P(MD)No.13640 of 2021
09.08.2021

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