



W.P. No. 4575 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P. No. 4575 of 2016

Mrs.Pushbalakshmi,
W/o. Venkatesh

... Petitioner

Versus

1. Corporation Bank,
rep. by its Manager,
Nungambakkam Branch.

2. New India Assurance Co. Ltd.,
rep. by its Manager,
Bancassrance (712300),
1st floor, 'B' Wing Sps Building,
No.185, Anna Salai,
Near LIC Subway, Chennai-600 002.

... Respondents

PRAYER : Writ Petition filed under Art. 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the entire records of the 2nd respondent relating to the impugned letter dated 25.11.2015 and to quash the same and consequently directing the 2nd



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respondent to dispose the insurance claim made by the petitioner based on the assurance policy No.71230011140100000645 with available documents within a stipulated period fixed by this Hon'ble Court.

For Petitioner : Ms.Thenkodi Annam Nelson

For Respondent : Mr.Sivabalan for R1

Mr.R.Sundar for R2

ORDER

This Writ Petition has been filed challenging the impugned order dated 25.11.2015 passed by the 2nd respondent and quash the same and consequently directing the 2nd respondent to dispose the insurance claim made by the petitioner.

2. The main contention of Writ Petitioner is that she was the proprietrix of M/s.Dharanee Prints situated at Choolaimedu and they have obtained fire policy. When stocks were in the premises, there was a fire accident on 01.12.2014, which resulted in destroying entire stocks and a claim was made before the insurance company and the same was closed for want of documents. As against which, the present Writ Petition has been filed.



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3. The learned counsel appearing for the insurance company would submit that if necessary documents as sought for by the 2nd respondent are produced, they would consider the claim of the petitioner. Despite sufficient time granted to the petitioner, she could not produce any document as sought by the second respondent. Therefore, when the petitioner wants to get his claim settled, as per law, it is the duty of the petitioner to produce the relevant documents as required by the second respondent, particularly, with regard to stocks, which are said to have been kept in the premises and that the same was destroyed in the said fire accident.

4. In such view of the matter, unless the relevant documents are produced by the petitioner to establish the loss, as a matter of right, she cannot seek compensation in the Writ Petition. At this stage, the learned counsel appearing for petitioner would submit that the petitioner may be granted liberty to file necessary complaint before the Consumer Forum. As the documents are to be produced and evidence have to be adduced



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by the petitioner, this Court is of the view that liberty may be granted to the petitioner to file a fresh proceedings before the Consumer Forum. Accordingly, liberty is granted to the petitioner to file fresh proceedings before the Consumer Forum and if such complaint is filed within a period of two months from today, the concerned jurisdictional Consumer Forum while calculating the period of limitation may exclude the time spent on this writ petition. With the above observation, this Writ Petition is disposed of. No costs.

24.11.2022

Index: Yes/No

Internet: Yes/No

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To

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Corporation Bank,
Nungambakkam Branch.
2. Manager,
New India Assurance Co. Ltd.,
Bancassurance (712300),
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N.SATHISH KUMAR, J.

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