



W.P(MD). No. 28064 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.12.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P(MD). No. 28064 of 2022

and

W.M.P(MD). No. 22140 of 2022

1. Parkavi
2. Minor. Malashree
3. Minor. Sarvesh
4. Periyammal

... Petitioners

-VS-

M/s.ICICI Lombard General Insurance
Company Ltd.,
Rep. by its Manager,
Nos. 2 & 3, Nungambakkam High Road,
Chottebhai Centre,
Chennai – 600 034.

... Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to pay the due compensation payable to the petitioners on the death of the deceased M.Rengasamy, caused in the motor vehicle accident held on 01.10.2021 under the Miscellaneous Vehicle Package Policy No.3008/214815719/00/00 insured from 29.01.2021 to 28.01.2022.

For Petitioners : Ms. P.Kalaiyarasi Bharathi

For Respondent : No Appearance



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ORDER

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Heard Ms. P.Kalaiyarasi Bharathi, Learned Counsel for the Petitioner and perused the materials placed on record, apart from the pleadings of the parties.

2. When it is pointed out that the Respondent, viz., M/s.ICICI Lombard General Insurance Company Ltd., against whom relief is claimed, does not fall within the definition of State under Article 12 of the Constitution, so as to entertain the Writ Petition, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to seek the same relief in appropriate legal proceedings including under the Insurance Ombudsman Scheme and the Consumer Protection Act, 2019, and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn with the aforesaid clarifications. Consequently, the connected Miscellaneous Petition is closed. No costs.

14.12.2022

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Index: Yes/No

Note: Issue order copy by 30.01.2023.



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P.D. AUDIKESAVALU, J.

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