



WEB COPY



W.P.No.4619 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2023

CORAM

**THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN**

Writ Petition No.4619 of 2023

and

Writ Miscellaneous Petition No.4731 of 2023

Mrs.Piradeepa Panneerselvam

... Petitioner

Versus

1. HDFC Life Insurance Company Limited,  
11<sup>th</sup> Floor, Lodha Excelus, Apollo Mills compound  
N.M.Joshi Road, Mahalaxmi,  
Mumbai 400 011  
Maharashtra

2. Insurance Ombudsman,  
Office of the Insurance Ombudsman,  
Fatima Akhtar Court, 4<sup>th</sup> Floor,  
453 (Old No.312), Annasalai  
Teynampet, Chennai 600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the entire records relating to the impugned order in Claim No.PC 238439 dated 30.11.2022 on the file of the 1<sup>st</sup> respondent herein and quash the same and consequently, direct the respondents to dispose of the representation made by the petitioner on 30.01.2023.



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For Petitioner : Mr.K.Nagarajan

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## ORDER

The petitioner husband had taken a policy with the 1<sup>st</sup> respondent. It was a HDFC Life Insurance Policy. After the death of her husband, the petitioner made a claim. The 1<sup>st</sup> respondent repudiated the claim by stating that her husband had adverse pathological findings of deranged liver function test even prior to the issuance of the policy.

2. This is a statement of fact.

3. If this finding was arrived at by the 1<sup>st</sup> respondent, opportunity should have been given to the petitioner to produce medical records or to explain that particular fact. At any rate, the petitioner has given a further representation to the 2<sup>nd</sup> respondent on 30.01.2023.



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4. Let the 2<sup>nd</sup> respondent take a considered decision on the representation given. Before passing any order, the 2<sup>nd</sup> respondent is under obligation to issue notice to the petitioner and also examine all the medical records and then, pass an order. The 2<sup>nd</sup> respondent may pass such order on or before 31.03.2023. Naturally the order repudiating the claim is set aside.

5. Observing as above, the Writ Petition stands disposed of. No order as to costs. Consequently, the connected miscellaneous petition stands closed.

16.02.2023  
(1/2)

ssi

Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

To:

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