



W.P.No.4208 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

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P.N.Murugesan

...Petitioner

Vs.

1. The Manager,
Bajaj Allianz Life Insurance Company Ltd.,
Erode District.
2. The Insurance Regulatory and Development Authority of India,
3rd Floor, Parisrama Bhavan,
Basheer Bagh, Hyderabad - 500 004. ...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to receive the premium of Rs.16,000/-, 20,000/- and 12,000/- towards the three policies in Policy Nos.0313856261, 0313321292 and 307319478 respectively and renew the respective policies.

For Petitioner : Mr.M.Guruprasad

For Respondents : Mr.A.Muthu Subramanian, for R1.
: Mr.M.Vijayaragavan,
for Mr.M.B.Gopalan, for R2



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ORDER

This Writ petition has been filed seeking direction to the 1st respondent to receive the premium of Rs.16,000/-, 20,000/- and 12,000/- towards the three policies in Policy Nos.0313856261, 0313321292 and 307319478 respectively and renew the respective policies.

2. The case of the petitioner is that, he has taken three policies bearing Policy Nos.0313856261, 0313321292 and 0307319478 with a premium amount of Rs.16,000/-, Rs.20,000/- and Rs.12,000/- respectively to be paid every year, from the 1st respondent and has been paying the same without any default till 2017. While so, on 28.04.2018, when the petitioner approached the 1st respondent for payment of premium amount for the above said policies for the 2018, the 1st respondent refused to receive the same stating that, the above said policies have been terminated and refused to renew the same, despite the several requests and complaint made by the petitioner. Therefore, the petitioner made a representation dated 08.05.2018 before the 1st respondent, seeking to receive the premium amount, however,



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till date, no orders have been passed on the same. Hence, this Writ petition.

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3. Learned counsel for the petitioner submitted that, though the petitioner paid the premium amount for the above said three policies regularly without any default, the 1st respondent refused to receive the premium amount for the year 2018 without any specific reason and directed the petitioner to withdraw all the above said three policies, which cannot be acceded to. Hence, he submitted that, it would suffice, if this Court issues direction to the 1st respondent to receive the premium amount of Rs.16,000/-, 20,000/- and 12,000/- towards the three policies bearing Policy Nos.0313856261, 0313321292 and 0307319478 respectively and subsequently, renew the said policies, as expeditiously as possible.

4. Learned counsel appearing for the 1st respondent submitted that, the petitioner is a member of a group insurance policy, and in the above said policies there is no direct relationship between the petitioner and the 1st respondent. He further submitted that, the insured has failed to renew the policies after 24.04.2018 for the above said Membership policies, for which the petitioner cannot directly approach the 1st respondent, as they could not



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renew the policies and he has to approach the main policy holder. Hence, the respondent has refused to received the premium amount. However, on instructions, he fairly submitted that, the 1st respondent is ready to refund the entire premium amount paid in respect of the petitioner to the petitioner with an interest of 6% p.a. within the time stipulated by this Court.

5. Heard learned counsel on either side and perused the material documents placed on record.

6. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, in view of the fair submission made by the learned counsel appearing for the 1st respondent, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to return the entire premium amount to the petitioner with an interest of 6% p.a. within a period of four weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this Writ petition stands disposed of.
No costs.

20.06.2023



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NCC : Yes/ No
Speaking Order : Yes/ No
Index : Yes/ No

To

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M.DHANDAPANI., J.

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