IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

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THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.11949 of 2023

P.Srividhya ... petitioner

-Vs-

The Authorised Officer,
Bajaj Allianz Life Insurance Company Limited,
(IRDAI Regn.116)
Bajaj Allianz House,
Airport Road, Yerwada,
Pune-411 006. ... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Mandamus directing the respondent to sanction the insurance amount to the petitioner in respect of insurance policy No.034230606 and settle the same to the Bajaj Finance Limited in respect of loan account Nos.403HSL99953349, 403TSH99957336, H40SVPL0461501.

For petitioner : Mr. D.Rajagopal

For Respondent : Mr.Shankarasubramaniam
For Mr.S.Namasivayam

O R D E R

This petition has been filed seeking a direction to the respondent to sanction the insurance amount to the petitioner in respect of insurance policy No.034230606 and settle the same to the Bajaj Finance Limited in respect of loan account Nos.403HSL99953349, 403TSH99957336, H40SVPL04615101.

2. It is the case of the petitioner that in the year 2018, the petitioner availed housing loan from Bajaj Housing Finance Limited for loan amount of Rs/16,77,000/-, Rs.6,32,000/- and Rs.2,44,748/- in Loan account Nos.403HSL99953349, 403TSH99957336, H40SVPL04615101 and paying Rs.26,378/- as EMI. On 28.12.2018, the petitioner took insurance policy and as per said policy, if the policy holer dies or sustains critical illness than the insurance company will settle the loan due amount to the finance company. On 17.08.2021, the petitioner was admitted in hospital for critical illness. From August to December 2021, she was hospitalized and suddenly, the petitioner informed the respondent about her medical condition. On 02.07.2022, possession notice was issued by Bajaj Housing Finance Limited under Section 13(2) of SARFAESI Act. On 04.03.2023, the Medical Board referred the petitioner before the Government Institution of Rehabilitation Medicine and they issued certificate stating that the petitioner is affected with 80% disability and unfit for job. On 08.03.2023, the petitioner caused legal notice on the respondents. Since the same was not considered, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that this Court may

direct the respondent to consider the petitioner's request and pass appropriate order within the reasonable time as fixed by this Court.

4. The learned counsel for the respondent submitted that when the dispute arose between the parties, the petitioner has to approach either before the Grievance Redressal Officer (GRO), Bajaj Life Insurance company of before the Ombudman. Without doing so, the petitioner has filed the present writ petition before this Court, which is not sustainable one. However, the petitioner has not made any application in this regard till date before the GRO.

5. Heard the learned counsel on either side and perused the materials available on record.

6. On perusal of the records, it is seen that the petitioner has not made any request before the GRO. In this regard, the petitioner has to approach the GRO as per the policy. In such view of the matter, this Court directs the petitioner to make a representation before the Grievance Redressal Officer (GRO), Bajaj Life Insurance company within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of the same, the GRO shall

consider the same and pass orders in accordance with law.

7. With the above direction, the writ petition is disposed of. No costs.

13.06.2023

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To
The Authorised Officer,
Bajaj Allianz Life Insurance Company Limited,
(IRDAI Regn.116)
Bajaj Allianz House,
Airport Road, Yerwada,
Pune-411 006.

M.DHANDAPANI, J.

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