



WP No.11386 of 2019

IN THE HIGH COURT OF OF JUDICATURE AT MADRAS

WEB COPY

DATED: 12.04.2023

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.11386 of 2019

and

WMP No.11689 of 2019

P. Dharani Singh @ Dharani

.... Petitioner

Versus

1. The Branch Manager,
Thiruvottiyur Branch,
L.I.C. Of India,
Thiruvottiyur,
Chennai – 600 019.

2. The Senior Branch Manager,
Thiruvottiyur Branch,
L.I.C. Of India,
Thiruvottiyur,
Chennai – 600 019.

3. The Ambudsmen,
Office of the Ambudsmen,
Fatima Akthar Court,
4th Floor,
312, Anna Salai,
Teynampet,
Chennai – 600 018.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to
issue Writ of Certiorarified Mandamus to call for the records relating to



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the order PS/Revival dated 01.06.2017 of the 2nd respondent and to quash the same and consequently direct the 1st respondent to revive the petitioner's Policy No.717895606

For Petitioner : Mr.M. Kalyanasundaram
Senior Counsel for
Mr.K.Radhakrishnan

For Respondents : Mr.N. Vijayaraghavan
for
M/s.M.B.Gopalan & Associates for R1 & R2

ORDER

This writ petition has been filed seeking for quashment of order dated 01.06.2017 of the 2nd respondent and consequential direction to the 1st respondent to revive the petitioner's Policy No.717895606.

2. It is the case of the petitioner that he took Endowment Policy with L.I.C. on 22.05.2006 and paying half yearly premium regularly till 22.05.2015. Thereafter, due to financial constraints, he could not pay the balance premium. Due to non payment of premium, the said policy got lapsed. Subsequently, the petitioner has approached the respondents for renewal of the said policy, whereas the 2nd respondent has passed the impugned order, dated 01.06.2017 rejecting the said revival. Hence, this writ petition.



3. Learned Senior Counsel appearing for the petitioner submitted that due to non payment of premium for the said policy by the petitioner, the 2nd respondent has passed the impugned order. Also, he submitted that as per clause 3 of the conditions and privileges of L.I.C. of India, the petitioner is eligible to revive the discontinued policy. He fairly submitted that the petitioner is having an effective remedy before the Insurance Ombudsman and hence, he prays for issuance of appropriate directions in the above regard.

4. Mr.N.Vijayaraghavan, learned counsel for the respondents 1 and 2 opined the submissions made by the learned Senior Counsel for the petitioner and he has no objection for availing such remedy by the petitioner before the Insurance Ombudsman.

5. Heard learned counsel on both sides and perused the materials placed on record.

6. Recording the fair submissions made by the learned counsel, this this Court, without interfering the impugned order and without going into the merits of the case, is inclined to grant liberty to the



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petitioner to challenge the impugned order dated 01.06.2017 of the 2nd respondent before the 3rd respondent /Insurance Ombudsman, 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 is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

12.04.2023

Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

vsi2

To

1. The Branch Manager,
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L.I.C. Of India,
Thiruvottiyur,
Chennai – 600 019.

2. The Senior Branch Manager,
Thiruvottiyur Branch,
L.I.C. Of India,
Thiruvottiyur,
Chennai – 600 019.

3. The Ombudsmen,
Office of the Ombudsmen,
Fatima Akthar Court,
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M.DHANDAPANI, J.

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