



W.P(MD)No.8221 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8221 of 2022

and

W.M.P.(MD)Nos.6132, 6133 and 6134 of 2022

B.Rathna

... Petitioner

Vs.

1. Insurance Regulatory and Development Authority of India,
3rd Floor, Parisrama Bhavan,
Basheer Bagh, Hyderabad – 500 004.
2. HDFC ERGO GENERAL INSURANCE Company Limited,
6th Floor, Leela Business Part,
Andheri Kurla Road, Andheri (East),
Mumbai – 400 059.
3. HDFC ERGO GENERAL INSURANCE Company Limited,
Shop No.G3, G4 Part, Rearsides,
No.111, Achutha, Bharathisanan Salai,
Cantonment, Tiruchirappalli,
Pincode – 620 001.
4. Housing Development Finance Corporation Ltd., (HDFC),
Having its office at No.111, Bharathisanan Salai,
Cantonment, Tiruchirappalli, Pincode – 620 001. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records related to the impugned order passed by the 2nd respondent herein in



W.P(MD)No.8221 of 2022

his proceedings with regarding to the repudiation of claim No.RR-C121-12527061 dated 23.07.2021 and to quash the same and consequently direct the respondents 2 to 3 herein to honor the claim of Rs.23,36,694/- (Rupees Twenty Three Lakhs and Thirty Six Thousand and Six Hundred Ninety Four Only) and honor the claim of Dependent Child Education Benefit (Max 2 Child) and for which sum assured in Rs.1,00,000/- (Rupees One Lakhs Only) (Per Child) made by the petitioner in respect of Health Insurance Policy availed by petitioner's husband in Mater Policy No.29999202171789002000 dated 08.12.2020 without insisting for any further documentations or particulars.

For Petitioner : Mr.G.Prabhu Rajadurai,
For Ms.J.Prakasam

For Respondents : Mr.S.Anwar Sameem,
Standing Counsel for R1.
Mr.S.Srinivasa Ragavan,
Standing Counsel for R2 & R3.

ORDER

Heard the learned counsel for the writ petitioner, the learned standing counsel for first respondent and the learned standing counsel for the respondents 2 and 3.

2.The petitioner's husband availed housing loan from the fourth respondent. He also availed insurance policy from the second respondent. The



W.P(MD)No.8221 of 2022

petitioner's husband died on 26.04.2021. When the petitioner raised an insurance claim, it was repudiated. Challenging the repudiation, the present writ petition has been filed.

3. Interesting arguments had been advanced on either side. I consciously refrain from going into the merits of the matter. This is because the petitioner can very well move the jurisdictional consumer commission. The learned counsel for the petitioner submitted that the fourth respondent has already invoked SARFASEI proceedings and that is why, the petitioner was constrained to move the Writ Court. Taking note of the urgency expressed by the learned counsel for the petitioner, the writ petition is disposed of in the following terms:-

“(a) The petitioner is given liberty to move the District Consumer Disputes Redressal Commission, Sivagangai.

(b) If the complaint is filed before the District Commission within a period of two weeks from the date of receipt of a copy of this order, the same shall be numbered immediately. Since insurance company is going to be the sole



W.P(MD)No.8221 of 2022

WEB COPY

opposite party and since they have already entered appearance before this Court, the learned standing counsel undertakes to appear before the District Commission without waiting for service of formal notice.

(c) The District Commission shall fix the first hearing date on 13.03.2023. The District Commission shall dispose of the consumer complaint on merits and in accordance with law on or before 31.08.2023. I make it clear that the contentions of both the parties are left open. No costs. Consequently, connected miscellaneous petitions are closed.”

23.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 24.02.2023.



WEB COPY



W.P(MD)No.8221 of 2022



WEB COPY



W.P(MD)No.8221 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.8221 of 2022

23.02.2023