



CONT.P.(MD)No.754 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P.(MD)No.754 of 2023

in

W.P.(MD)No.13275 of 2022

M.Ramasubbu

... Petitioner

Vs.

Latha,
Senior Divisional Manager,
M/s.United India Insurance Company Limited,
Divisional Office - VI,
5th Floor, PLA Rathana Tower,
212, Anna Salai,
Chennai – 600 006.

... Respondent

Prayer: Contempt petition is filed under Section 11 of the Contempt of Courts Act, to punish the contemnor / respondent herein for the willful disobedience and noncompliance of the order passed by this Court in WP(MD).No.13275 of 2022 dated 21.09.2022.



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For Petitioner : Mr.K.Vamanan

For Respondent : Mr.A.Shajahan

ORDER

Heard the learned counsel on either side.

2.The writ petition filed by the petitioner herein was allowed in the following terms:-

“5. Be that as it may, the petitioner cannot be blamed. The fourth respondent is a recognised network Hospital. The petitioner has gone to a Hospital which is recognised by TANGEDCO as well as the Insurance Company. The Hospital had issued a certificate clearly stating that the petitioner had paid a sum of Rs.1,34,335/- (Rupees One Lakh Thirty Four Thousand Three Hundred and Thirty Five only). The entitlement of the petitioner for reimbursement is not in doubt and the payment is confirmed by the Hospital. The insurer is not justified in declining to honour the claim. It is open to the insurer to issue appropriate instructions to the fourth respondent Hospital for observance in future. The insurer can even tell the fourth



respondent that if the receipts are not having numbers, then it will not be recognised as a network hospital, but that is for the future. As already noted, the petitioner cannot be made to suffer.

6. The third respondent is directed to honour the petitioner's claim and make the reimbursement. This shall be done within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to re-present the claim forms along with the relevant enclosures before the third respondent. On receipt of the same, the third respondent will reimburse the eligible amount within a period of four weeks thereafter."

3. According to the learned counsel for the petitioner, the petitioner is entitled to Rs.1,34,335/-. According to the learned standing counsel for the respondent, the petitioner was paid the eligible amount of Rs.69,460/-. The respondent is directed to send a communication to the petitioner setting out reasons as to why, he is eligible only for Rs.69,460/- and not for the claimed amount of Rs.1,34,335/-. On receipt of the said communication, it is open to the petitioner herein to question the same in the manner known to law. On receipt of such a communication from the respondent, it is open to the petitioner to move



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the jurisdictional Consumer Forum. If any such complaint is filed within a period of two months from the date of receipt of such a communication from the respondent, the same will be entertained without reference to limitation.

4. With this liberty to the petitioner, this contempt petition is closed.

30.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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