



W.P. (MD).No.10699 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.10699 of 2021
and W.M.P(MD)No.8448 of 2021

S.Kannan

... Petitioner

Vs

1. The Manager,
HDFC ERGO Health Insurance, No.248-B,
Rekha Towers, 3rd Floor, Kamarajar Salai,
Madurai-9.

2. The Deputy Secretary,
Insurance Ombudsman,
Forum of Insurance Ombudsman,
No.453, 4th Floor, Anna Salai,
Theynampettai, Chennai-18.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1 and 2 respondents herein to disburse the claim made by the petitioner, based on the Insurance Claim amount of Rs.2,96,324/- for the Accident and Health Policy No.140500/11051/AA00535921-01 for Rs.3,00,000/- for the period of 2020-2021, within the time frame that may be stipulated by this Court.



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For Petitioner : Mr. J. Gunaseelan Muthiah

For Respondents : Mr.S.Srinivasaraghavan (R1)

Mr.M.Vinoth Raj (R2)

ORDER

This Writ Petition has been filed for issue of a writ of mandamus directing the first respondent to disburse the claim made by the petitioner for the Accident and Health Policy and to pay a sum of Rs. 3 lakhs towards the claim amount.

2.Heard the learned counsel appearing for the petitioner and the learned Counsels appearing for the respondents.

3.The case of the petitioner is that he had taken an Accident and Health Insurance Policy for himself, his wife and his daughter. This policy was taken on 10.01.2017 and it was renewed from time to time till 2020-21.



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4.The further case of the petitioner is that his daughter fell ill and she took treatment as an in-patient in the hospital. The petitioner had made an insurance claim with the first respondent. The grievance of the petitioner is that the first respondent did not pay the insurance claim made by the petitioner. Hence, the present writ petition has been filed before this Court.

5.In the considered view of this Court, the petitioner and the first respondent are governed by a Contract. The first respondent is a private Insurance Company. Therefore, the writ petition is not technically maintainable before this Court. Hence, if the petitioner is aggrieved by the fact that the insurance claim was not paid by the first respondent, it is left open to the petitioner to make a complaint before the second respondent in the IRDA Portal. The petitioner shall follow up the same and seek for the redressal before the second respondent. Except giving this liberty to the petitioner, no further orders shall be passed in this writ petition.



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6. Accordingly, this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

18.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM

To
The Deputy Secretary,
Insurance Ombudsman,
Forum of Insurance Ombudsman,
No.453, 4th Floor, Anna Salai,
Theynampettai, Chennai-18.



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N.ANAND VENKATESH, J.

PNM

ORDER IN
W.P. (MD).No.10699 of 2021
and W.M.P(MD)No.8448 of 2021

18.10.2023