



WP(MD)No.12071 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.12071 of 2021
and W.M.P(MD)No.9499 of 2021

Karuppayee

...Petitioner

/Vs./

1.The Secretary,
Ministry of Finance,
Jeevan Deep Building,
Sansad Marg,
New Delhi – 110 001

2.The General Manager,
Consumer Affairs Department-Grievance Redressal Cell,
Insurance Regulatory and Development Authority of India (IRDAI),
3-5-817/818 United India Towers,
9th Floor, Hyderguda,
Basheer Bagh, Hyderabad – 500 029

3.The Reserve Bank of India,
Department of Nonbanking Supervision,
Mumbai Regional Office,
3rd Floor, Reserve Bank of India,
Opp.to Mumbai Central Railway Station,
Byculla, Mumbai – 400 008.

4.The General Manager,
TATA Motor Finance Limited,
Unit-4B1-4B7 4th Bazar,
Thane West,
Mumbai, Maharashtra, India



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5.HDFC Life Insurance Company Ltd.,
12th Floor, Lodha Excelus
Appollo Mills Compound
N.M.Joshi Road,
Mahalakshmi
Mumbai, Maharastra – 400 011

6.Adv.Sachin P.Gorwadkar
Sole Arbitrator,
No.37, 1st Floor, Bhupen Chambers
Opp. Bombay Stock Exchange Dalal Street,
Fort, Mumbai 400 001

7. The Branch Manager,
TATA Motors Finance Limited,
4th Floor ADR Towers,
Door No.79, 74A, 7H-B
Theni Main Road,
PP Nagar, Kochadai,
Madurai
Tamil Nadu

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 2nd and 3rd respondents to conduct the enquiry based on the petitioner's representation dated 03.05.2021 submitted to take action against the respondents 4, 5 and 7 for fraud and perjury thereby deceiving the petitioner.

For Petitioner : Mr.S.Balaji
For R1 : Mr.S.Murugan
Standing Counsel
for Central Government



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ORDER

WEB COPY This writ petition has been filed for issuance of writ of mandamus directing the second and third respondents to conduct an enquiry based on the representation / complaint given by the petitioner against the respondents 4,5 and 7.

2. The case of the petitioner is that her husband had purchased a vehicle on the strength of the loan that was taken from the 7th respondent. While taking the loan, the 7th respondent had persuaded the husband of the petitioner to join a group insurance scheme with the 5th respondent. The 4th respondent is the master policy holder of such group insurance. As per this scheme, credit protection is given to the financial institution towards the loan taken.

3. The husband of the petitioner died on 31.10.2020 and the 7th respondent insisted the petitioner to pay the car loan. While scrutinizing the documents, it came to light that instead of adding the name of the husband in the insurance policy, the name of the son has been added. According to the petitioner, there is a clear dereliction of duty on the part of the insurance company and as a result, the petitioner is now being forced to pay the loan taken for purchasing the vehicle. It is under these circumstances the representation



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came to be given by the petitioner before the 2nd and 3rd respondents to take action against the respondents 4,5 and 7.

4. Heard Mr.S.Balaji, learned counsel for the petitioner and Mr.S.Murugan, learned Standing Counsel for Central Government for the first respondent.

5. In the considered view of this Court, the relief sought for by the petitioner cannot be granted by this Court. The parties are covered by a contract and the contract is with the private insurance company. If there is any deficiency in service on the part of the insurance company in taking the insurance in the name of the son, instead of the petitioner's husband, the petitioner has to redress her remedy only before the competent forum and this issue cannot be agitated in a writ petition. Except giving this clarity, no further orders can be passed in this writ petition.

6. This writ petition is disposed in the above terms. No costs. Consequently, connected miscellaneous petition is closed.

19.10.2023

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



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To,
The Secretary,
Ministry of Finance,
Jeevan Deep Building,
Sansad Marg,
New Delhi – 110 001



WEB COPY



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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.12071 of 2021
and W.M.P(MD)No.9499 of 2021

Dated:
19.10.2023