



W.P(MD)No.11029 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.11029 of 2023

S.Tamilselvan

... Petitioner

Vs.

1.The Branch Manager,
Indian Overseas Bank,
Malaikudipatti Branch,
Iluppur Taluk,
Pudukottai District.

2.M/s.Universl Sompo General Insurance Company Limited,
Having Office at Unit No.103,
First Floor, Ackruti Street,
MIDC Central Road, Andheri (East),
Mumbai- 400 093.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents disburse the claim amount to the petitioner vide., USGICL Claim No.CL21215484 in IOB Suraksha Policy No.:3333/61168192/00/045 made by the petitioner's deceased son T.Sivasankar within the time stipulated by this Court.



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For Petitioner : Mr.B.Pragash

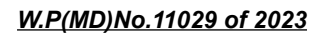
For Respondents : No appearance

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ORDER

The writ petition has been filed in the nature of Mandamus seeking a direction to the respondents, the Branch Manager, Indian Overseas Bank, Malaikudipatti Branch, Iluppur Taluk, Pudukottai District and M/s.Universal Sompo General Insurance Company Limited, Andheri (East), Mumbai- 400 093, to disburse the claim amount to the petitioner vide USGICL Claim No.CL21215484 in IOB Suraksha Policy No.:3333/61168192/00/045 made by the petitioner's deceased son T.Sivasankar.

2. There is a contractual relationship between the petitioner herein and the second respondent. The petitioner pays premium and if any accident occurs, the second respondent, is liable to settle the claim owing to such accident. In this case the petitioner's son had unfortunately died in a road accident. Consequent to that particular fact, an FIR in Crime No.81 of 2021 had been registered by the Viralimalai police on 01.02.2021 under Sections 279 and 304(A) of IPC. The complainant was one Murugesan and the accused was one Selvam. That issue has to go through the normal procedure and first, on the



4. It is stated that they have not finally rejected the claim, but they have only stated that they would update the claim status as soon as they receive it from the second respondent. This Court under Article 226 of Constitution of India, cannot interpret terms of a contract between the two parties. The



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petitioner will have to take steps in the manner known to law and through appropriate proceedings. This writ petition is dismissed. Merely because the word dismissed is used, does not mean that the petitioner's claim is rejected by this Court, but it is only stated that the petitioner is given an option to approach the appropriate forum for necessary relief. No costs.

01.06.2023

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

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C.V.KARTHIKEYAN, J.

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