



WP(MD)No.15782 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.10.2023**

CORAM

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

W.P.(MD)No.15782 of 2020

S.Jeyalakshmi

...Petitioner

/Vs./

- 1.The Regional Manager,
Canara Bank Regional Office,
10-B/1h,Tirunelveli Sivakasi Hindu Nadars
Pothu Abiviruthi Sangam Buildings,
1st Floor, V.V.M.Road, Vannarapettai, Tirunelveli (City) and (Dist.).
- 2.The Branch Manager,
Canara Bank,
Big Bazaar Branch,
Tirunelveli (City) and (Dist.).
- 3.The Competent Officer,
Canara HSBC Oriental Bank of Commerce
- Life Insurance Company Limited (IRDAI Regn No.136),
Registered Office at Unit No.208,
2nd Floor, Kanchenjunga Building,
18, Barakhamba Road,
New Delhi – 110 001.
- 4.The Competent Officer,
Canara HSBC Oriental Bank of Commerce
- Life Insurance Company Limited
(Corporate Identity No.U66010DL2007PLC248825)
Corporate Office at 2nd Floor,
Orchid Business Park, Sector – 48,
Sohna Road, Gurugram – 122 018,
Haryana.



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5.The Competent Officer,
Canara HSBC Oriental Bank of Commerce
-Life Insurance Company Limited,
Madurai Grand Central Branch Office,
3rd Floor, ATP Tower, 27/12A Bye Pass Road,
Madurai – 625 010.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd to 5th respondents to pay the insurance policy amount covered under policy No.GP000193-0123400 standing in the name of Samuthirapandian vide loan account No.2952619003065 by considering Petitioner's representation dated 16.03.2020 and 01-10-2020 consequently directing the 2nd respondent to return the original house documents, other related documents kept with the 2nd respondent bank within the time stipulated by this Court.

For Petitioner : Mr.V.Selvakumar

For Respondents : Mr.N.Balasubramanian (R3 to R5)
Mr.C.Karthik (R1 & R2)

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents 3 to 5 to pay the insurance policy amount covered under the policy No.GP000193-0123400 standing in the name of Samuthirapandian vide loan account No.2952619003065 by considering the



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representations made by the petitioners on 16.03.2020 and 01.10.2020 and for a consequential direction to the second respondent to return back the original title documents retained by the second respondent bank.

2. The case of the petitioners is that she was married to one Samuthirapandian and through the marriage, they had four children. The husband of the petitioner availed bank loan from the second respondent during September, 2019 for purchase of a house. At the time of availing loan, the husband of the petitioner was directed to take an insurance policy for his life, which was made as a condition for grant of the loan. Accordingly, the husband of the petitioner also took an insurance policy. The necessary amount was also paid towards taking insurance policy. The policy came into effect from 28.12.2019.

3. The further case of the petitioner is that her husband died in a road accident on 29.12.2019. In view of the same, the only breadwinner of the family was lost. The petitioner made representations to the respondents 3 to 5 to pay insurance policy amount covered under the policy No.2952619003065 standing in the name of the husband of the petitioner towards the loan account and for a consequential direction to the second respondent to return back the



title documents pertaining to the property. Since the same was not considered, the present writ petition has been filed before this Court.

4. When the matter came up on 05.10.2023, this Court passed the following order:-

“The grievance of the petitioner is that the respondents 3 to 5 have not paid the amount under the Insurance Policy, after the demise of her husband.

2. The learned counsel for the respondents 3 to 5 submitted that the Insurance Company had sought for some documents from the petitioner and the same was not furnished and therefore, the policy amount was not paid.

3. The learned counsel appearing for the petitioner seeks for time to take instructions from the petitioner.

4. Post this case under the caption 'For orders' on 09.10.2023.”

5. The learned counsel for the petitioner submitted that he was not able to get instructions from his client as to whether the petitioner had submitted the documents that were sought for by the respondents 3 to 5.

6. The learned counsel appearing for the respondents 3 to 5 submitted that the insurance company will be able to process the representations made by the petitioner only after necessary documents are furnished by the petitioner.



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7. The learned counsel for the second respondent submitted that only after the process of the insurance company is completed by the respondents 3 to 5, the role of the second respondent will become more clearer.

8. In light of the above submission, there shall be a direction to the petitioner to furnish the documents sought for by the respondents 3 to 5 through letter dated 04.01.2021. These documents shall be submitted to the third respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents 3 to 5 shall process the papers and also seek for clarification if any, from the petitioner. Ultimately, a decision shall be taken by the respondents 3 to 5 within a period of six weeks from the date of receipt of the documents from the petitioner.

9. Based on the decision taken by the respondents 3 to 5, the second respondent is directed to issue consequential proceedings with regard to returning back the title documents. The entire process shall be completed as expeditiously as possible and it should not be later than a total period of three months from the date of receipt of the copy of this order.



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WEB COPY 10. This writ petition is disposed of with the above directions. No costs.

09.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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TO: WEB COPY

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N.ANAND VENKATESH, J.

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W.P.(MD)No.15782 of 2020

Dated:
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