



W.P.(MD)No.18185 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.18185 of 2022

K.Ananth

... Petitioner

Vs.

1.The Insurance Ombudsman,
State of Tamil Nadu and Pondicherry,
453, Fathima Akthar Court 4th Floor,
Anna Salai, Teynamet,
Chennai

2.M/s.Bharti AXA General Insurance Co. Ltd.,
Rep. By its Branch Manager,
No.45/1 A(P), 2nd Floor, Raja Barley Building,
By Pass Road, Ponmeni,
Madras – 625 010

3. The Insurance Regulatory and Development Authority of India
Rep. By its Chairman,
Sy.No.115/1, Financial District,
Nanakramguda, Gachibowli,
Hyderabad – 500 032.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus directing the first and third respondents to take appropriate action upon the second



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respondent for enforcing the award of the first respondent vide Recommendation No.10/CHN/R/G1/0163/2019-2020 dated 29.11.2019 and settle the petitioner's claim within the stipulated time.

For Petitioner : Mr.N.Karthik Kannan
For R3 : Mr.S.Anwar Sameem
For R2 : Mr.P.Pethu Rajesh
For R1 : No appearance

ORDER

This Writ Petition is filed for issuance of Writ of Mandamus directing the first and third respondents to take appropriate action against the second respondent for enforcing the award of the first respondent vide Recommendation No.10/CHN/R/G1/0163/2019-2020 dated 29.11.2019 and settle the petitioner's claim within the stipulated time.

2. The ombudsman/the first respondent, to whom a complaint was given that the second respondent had not signed the claim on the insurance policy taken has passed the following order:

"Taking into account the facts and circumstances of the



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case and the submissions made by both the parties during the course of hearing, the Forum hereby directs the respondent insurer to re-open and settle the claim on repair basis as per assessment of the surveyor and subject to the terms and conditions of the policy, provided the complainant undertakes to repair the vehicle. The complainant is not eligible for interest in view of the delay in approaching the Forum”.

3. This Court cannot place any further interpretation of the said order. The order is in simple language and it is self explanatory. It requires:

- i) the respondent insurer/the second respondent to re-open and settle the claim on repair basis;
- ii) The said repair shall be as per assessment of the surveyor;
- iii) subject to terms and conditions of the policy;
- iv) All these are possible provided the complainant undertakes to repair the vehicle.



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4. Now the complainant claims that he has already repaired the vehicle. No further order is required since the vehicle has already been repaired. The original bills shall be forwarded to the second respondent and the second respondent shall take a decision about the claim within a period of 6 weeks from the date of production of all the original bills by the petitioner herein.

5. With the above direction, this Writ Petition is disposed of . No costs.

17.03.2023

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



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To,

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C.V.KARTHIKEYAN, J.

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