



W.P.(MD)No.17692 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17692 of 2023

Selvaraj

... Petitioner

versus

1. The Divisional Manager,
The New India Assurance Company Ltd.,
Karur Division Office – 722500
KVR Complex, 3rd Floor,
80feet Road,
Sengunthapuram,
Karur – 639 002.

2. The Inspector of Police,
Thuraiyur Police Station,
Trichy.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 08.05.2023 passed by the 1st respondent and quash the same and consequently, consider the petitioner's E-mail representation dated 03.04.2023.



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For Petitioner : Mr.S.Muthumalai Raja

For R1 : Mr.N.Dilipkumar

For R2 : Mr.P.Kottaichamy,
Government Advocate

ORDER

The petitioner is a Dealer of Indane Gas. His vehicle bearing Reg.No.TN 47 AK 9185 was involved in an accident, wherein, his driver sustained injury and his vehicle was also damaged. Therefore, he submitted a representation dated 03.04.2023 to the first respondent, claiming damages to his vehicle. However, the first respondent, by order dated 08.05.2023, refused to entertain the claim of the petitioner stating that at the time of accident, the vehicle was loaded with hazardous goods (LPG Cylinder). As against that order, the petitioner has filed this writ petition.

3. The learned counsel for the petitioner, by relying upon a Judgment of the Karnataka High Court in MFA No.102828/2014 dated 13.08.2019, submits that the petitioner has transported only empty



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cylinders, which cannot be termed as hazardous goods.

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4. The learned counsel for the first respondent submits that under Rule 14 of the Insurance Ombudsmen Rules 2017, the petitioner is having an efficacious remedy before the Insurance Ombudsmen.

5. In view of the same, this writ petition is dismissed by granting liberty to the petitioner to work out his remedy either before the Insurance Ombudsmen, as per Rule 14 of the Insurance Ombudsmen Rules 2017 or before the Consumer Forum. No costs.

21.07.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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