

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13311 of 2015

and

M.P.(MD)No.1 of 2015

P.Punyakoti

... Petitioner

Vs.

1.The Senior Divisional Manager,
M/s.New India Assurance Co. Ltd.,
Rani Seethai Hall,
603, Anna Salai,
Chennai-600 006.

2.V.Selvaraj
Investigator,
M/s.New India Assurance Co. Ltd.,
603, Anna Salai,
Chennai-600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to this case and order that such refusal and rejection vide the impugned letter No.710300/Claims /2014 dated 30.7.14 of the Deputy Manager of their company as illegal perspective and quash the same and consequently direct the 1st respondent to settle petitioner's claim in proper manner in accordance with the norms and provisions available in the said GPA policy.

For Petitioner : no appearance

For Respondents : Mr.J.S.Murali

ORDER

This writ petition was filed in person. The petitioner is not present before this Court.

2. I went through the contents of the affidavit filed in support of the writ petition.

3. Heard the learned counsel appearing for the insurance company / R1. The petitioner is a pensioner. He got himself enrolled as an advocate. He along with other members of the madurai bar association joined with a Group Insurance Scheme floated by the first respondent. The petitioner claims to have paid the premium without default. The petitioner claims that he met with an accident and that he took treatment in A.R. Hospital. He applied to the first respondent for reimbursement of the expenses incurred by him. The accident was said to have taken place on 23.12.2012. The insurance company appointed an investigator and based on his report, repudiated the claim. The communication dated 30.07.2014 sent by R1 to the writ petitioner reads that according to the company, there was no accidental injury and the treatment

taken by the petitioner was for a nerve problem in the right ankle and the bills submitted by him are exaggerated and hence, it was not possible to consider his claim.

4. The repudiation on facts has to be questioned only before the jurisdictional consumer forum. It is not possible for the writ court to go into disputed questions of fact. If the petitioner files any complaint before the jurisdictional consumer forum within a period of eight weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation and disposed of on merits and in accordance with law.

5. With this liberty to the petitioner, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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