



W.P(MD)No.24720 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24720 of 2023

P.Bose

... Petitioner

Vs.

1.The General Manager,
Universal Sompo General Insurance Co.Ltd.,
Ground Floor, JVL Plaza,
501/636, Annasalai,
Teynampet, Chennai – 18.

2.The Branch Manager,
Universal Sompo General Insurance Co.Ltd.,
1st Floor, No.10/20, Bye-pass Road,
Madurai.

3.The Branch Manager,
Indian Overseas Bank,
Cumbum Branch,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to consider petitioner's representation dated 14.05.2023 and dispose the insurance policy No.2114/56461532/00/000.



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For Petitioner : Mr.H.Velavadhas

For Respondent : Mr.N.Dilip Kumar
Standing Counsel for R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the third respondent.

2. The petitioner has availed loan from the third respondent. The loan amount has since been settled. The third respondent has no claim against the writ petitioner in respect of the petition mentioned account. The case of the petitioner is that a fire accident took place and that therefore he is entitled to insurance money. He would further claim that the insurance policy was taken only through the third respondent. But then it is the petitioner who is the policy holder. The respondents 1 and 2 are not State instrumentalities within the meaning of Article 12 of the Constitution of India. In any event since factual aspects are involved, the petitioner has to get his remedies only before the jurisdictional Consumer Forum.



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3. Granting liberty to the petitioner to move the jurisdictional

Consumer Forum, this writ petition is disposed of. I make it clear that I have not gone into the merits of the matter. There shall be no order as to costs.

13.10.2023

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

To

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G.R.SWAMINATHAN, J.

MGA

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