



WEB COPY



W.P.No.955 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

CORAM

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.955 of 2022

M.K.Loganathan

...Petitioner

Vs.

1. The Insurance Ombudsman,
State of Tamilnadu and Puducherry,
4th Floor, 453, Anna Salai, Chennai – 600 108.

2. The Senior Divisional Manager,
Life Insurance Corporation of India,
Division Office – 1,
153, Anna Salai, Chennai – 600 002.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records relating to the Award No.IO/CHN/A/LI/0070/2021- 2022 dated 25.08.2021 (REF. No. CHN-L-029-2122-0059) from the file of the 1st respondent herein (The Insurance Ombudsman) and to quash the same as nebulous and elusive and direct the 2nd respondent insurer herein to pay a sum of Rs.25,01,014/- as a total return at the end of the maturity (Premium Rs.13,34,300/- plus Loyalty Addition at Rs.11,66,714/- = Rs.25,01,014/-) after adjusting a sum of Rs.5,98,274/- (which was received by the Petitioner from the second



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Respondent insurer on 27.03.2021) along with the interest at the rate of 12% per annum from the respective dates on which each of the installments had been remitted by the petitioner till the date of actual refund.

For Petitioner : Mr.J.Ravikumar

For Respondents : Mr.M.B.Raghavan
for M/s. M.B.Gopalan & Associates, for R1
: Mr.C.K.Chandrasekar, for R2

ORDER

This Writ petition has been filed seeking quashment of the Award No.IO/CHN/A/LI/0070/2021- 2022 dated 25.08.2021 (REF. No. CHN-L-029-2122-0059) of the 1st respondent and to consequently direct the 2nd respondent insurer to pay a sum of Rs.25,01,014/- as a total return at the end of the maturity, after adjusting a sum of Rs.5,98,274/- along with the interest at the rate of 12% per annum from the respective dates on which each of the installments had been remitted by the petitioner till the date of actual refund.

2. When the matter was taken up for hearing, the learned counsel appearing for the 2nd respondent placed before this Court an order passed by the learned Single Judge of this Court, wherein similar issues have already



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been considered in a batch of cases and this Court, vide common order dated 29.04.2024 dismissed the Writ petition in W.P.No.1069 of 2022 filed challenging the very same impugned order.

3. This Court also perused the said order dated 29.04.2024 and a perusal of the same reveals that the facts in the present case are identical to the facts in the said order and therefore, this Court is of view that, the said decision is squarely applicable to the present case as well.

4. Following the above said decision of this Court dated 29.04.2024, this Writ petition stands dismissed. No costs.

22.10.2024

skt

Index : Yes/ No
Speaking Order : Yes/ No
NCC : Yes/ No

M.DHANDAPANI, J.

skt

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