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W.P.No.6849 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 10.01.2024**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. No.6849 of 2020**

Canara Bank,  
Koyambedu Branch,  
represented by its Branch Manager  
[amended as per order passed in W.M.P. No.781 of 2024  
dated 10.01.2024]

... Petitioner

Vs.

1. The Assistant Secretary,  
Office of the Insurance Ombudsman,  
Fathima Akthar Court, 4<sup>th</sup> floor,  
No.453, Anna Salai, Teynampet,  
Chennai-600 018.

2. Bajaj Allianz General Insurance Company Limited,  
No.497/498, 5<sup>th</sup> Floor, Isana Kattima Building,  
Poonamallee High Road, Arumbakkam,  
Chennai-600 106.

..... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Letter in Ref:CHN-G-005-1920-0162 dated 30.10.2019 and quash the same and also direct the 1<sup>st</sup> respondent to take on file of petitioner's application dated 20.10.2019 and pass orders within the time



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frame manner as may be fixed.

For Petitioners : Mr. K.V. Muthu Visakan,  
For Respondents : Mr. M.B. Raghavan  
for M/s. M.B. Gopalan Associates  
[for R1]  
Mr. S. Arunkumar [for R2]

### **ORDER**

The order passed by the Insurance Ombudsman dated 30.10.2019 rejecting the claim of the Writ petitioner to settle the insured coverage amount is under challenge in the present Writ proceedings.

2. The Syndicate Bank is the Writ petitioner. The petitioner bank has been amalgamated with Canara Bank. The learned counsel for the petitioner bank would submit that the petitioner bank is the beneficiary of the policy and the policy document would reveal that the policy covers the respective rights and interests of banks / financial institutions. The name of the Syndicate bank has been mentioned and therefore, the petitioner is entitled to claim the policy coverage amount from the respondent Insurance Companies.



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3. The learned counsel appearing on behalf of the 1<sup>st</sup> respondent would oppose the said contention by stating that the petitioner bank is admittedly not a policy holder. When the policy holder has not approached the respondent, the Insurance Ombudsman cannot settle the insurance claim of the bank who is the alien to the policy. If at all, any due is to be paid by the borrower of the petitioner bank, the said dues have to be recovered in the manner contemplated under law and as far as the policy issued by the Insurance company is concerned, the policy holder alone can maintain a complaint before the Ombudsman and therefore, this Writ petition is to be rejected.

4. The learned counsel for the 2<sup>nd</sup> respondent Insurance Company submits that the petitioner is a bank and the 2<sup>nd</sup> respondent issued insurance policy in favour of M/s. Home Textiles. The insured has not been impleaded as a party respondent in the present Writ petition. The contention of the petitioners that the letter submitted by the insured to the Insurance Company is a bogus letter and cannot be adjudicated in the Writ proceedings. It is for the petitioner to initiate all appropriate actions to recover the loan dues as per the terms and conditions of the loan contract, if they are otherwise



entitled. However, the Insurance policy stands in the name of one M/s.

Home Textiles and therefore, the complaint before the Insurance Ombudsman is not entertainable and rightly rejected by the Ombudsman.

The petitioner is at liberty to work out their remedy in the manner in accordance with law.

5. Accordingly, this Writ petition stands dismissed. No order as to costs.

10.01.2024

Index : yes/no  
Speaking order/Non-speaking order  
Neutral Citation : yes/no  
mjs

To

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**S.M.SUBRAMANIAM, J.**

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