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W.P.No.10480 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

**W.P.No. 10480 of 2021**  
**and**  
**W.M.P.No.11078 of 2021**

SBI Life Insurance Company Limited,  
Central Processing Centre,  
7<sup>th</sup> Level (D Wing) & 8<sup>th</sup> Level  
Sea Woods Grand Central  
Tower II, Plot No.R1, Sector 40,  
See Woods, Nerul Node,  
Thane District, Navi Mumbai – 400 706. .... Petitioner

Vs

1. The Insurance Ombudsman,  
State of Tamil Nadu & Puducherry,  
Jatima Akthi Court,  
4<sup>th</sup> Floor, No.453, (Old 312), Anna Salai,  
Teynampet, Chennai – 600 018.

2. V.Mala .... Respondents

**Prayer:-** Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorari, calling for the records of the first respondent culminating into Award No.IO/CHN/A/LI/0133/2020-21, dated 18.03.2021, in so far as it has allowed the claim of the second respondent.



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For Petitioner : Ms.M.Sandhiya  
for M/s.Rank Associates

For R1 : Mr.N.Vijayaraghavan  
for M/s.M.B.Gopalan Associates

For R2 : Mr.M.Sarfudeen Ali

**ORDER**

This Writ Petition has been filed as against the award passed by the Insurance Ombudsman dated 18.03.2021.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. It is seen that the writ petition itself is not maintainable, but the petitioner, being the Insurance Company, challenging the award passed by the Insurance Ombudsman. The issue involved in this writ petition has been already dealt with by this Court in W.P.No. 27132 of 2022 dated 17.04.2024 and the relevant portion of the order is extracted hereunder :

*“6. The High Court of Calcutta in the case of **Life Insurance Corporation of India -vs- The Insurance Ombudsman** (Order dated 22.03.2017 in W.P.No.2299 (W) of 2016) held that in order to approach a writ court,*



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*an Insurance Company has to have a cause of action. A cause of action will arise if any right of the Insurance Company stands violated. An award passed by an Insurance Ombudsman cannot be construed to violate any right of the Insurance Company. Therefore, they cannot approach a writ Court as a party aggrieved by the award of the Insurance Ombudsman. The Insurance Ombudsman is appointed by the Insurance Companies. The Rules laid down are that the Insurance Ombudsman is set out to decide on the complaint relating to the insurance lodged with the highest of the complainant. Therefore, the Writ Petition itself is not maintainable to challenge the award passed by the Ombudsman.*

*7. The above said order passed by the learned Single Judge of the High Court of Calcutta was also confirmed by the Division Bench of the High Court of Calcutta in **Life Insurance Corporation of India -vs- The Insurance Ombudsman** (Order dated 15.09.2017 in M.A.T 645 of 2017 + CAN 6245 of 2017) and it was held that if the complainant accepts the decision, which has been done in the instant case, the insurer has to comply with the award of the Ombudsman as stipulated by Rule 16(6) of the Rules. The binding character of the recommendation or as the case may be, of an award of the Ombudsman arises only when the complainant has accepted the decision. Further, there has been a fundamental fallacy in the approach of the petitioner to the recommendation of the award of the second respondent. Once the nominees of the deceased has unequivocally accepted the award, the petitioner ought to have treated the said award of the Ombudsman as a binding edict and any attempt on their part to wriggle out of the same, would be derogatory to the scheme framed by themselves and would tantamount to*



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*procrastination of the statutory mandate. Therefore, the Writ Petition itself is not maintainable and it is liable to be dismissed.”*

4. In view of the above, this Court finds no infirmity or illegality in the award passed by the Insurance Ombudsman dated 18.03.2021. Thus, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

14.06.2024

Internet : Yes  
Index : Yes/No  
Speaking/Non-speaking order  
Neutral Citation : Yes/No  
Lpp

To

The Insurance Ombudsman,  
State of Tamil Nadu & Puducherry,  
Jatima Akthi Court,  
4<sup>th</sup> Floor, No.453, (Old 312), Anna Salai,  
Teynampet, Chennai – 600 018.



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**G.K.ILANTHIRAIYAN, J.**

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