



WEB COPY



W.P.No.21425 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21425 of 2022

And

W.M.P.Nos.20619 of 2022 and 32086 of 2023

Subba Rajya Lakshmi Aripirala

... Petitioner

Vs.

1.Housing Development Finance Corporation Limited,
Second Floor, ITC Centre,
760 Anna Salai,
Chennai – 600 002
Rep. by its Authorised Signatory

2.Managing Director and Chief Executive Officer,
HDFC Life Insurance Company Limited,
13th Floor, Lodha Excelus,
Apollo Mills Compound,
N.M.Joshi Road, Mahalaxmi,
Mumbai – 400 011.

3.Claims Review Committee,
HDFC Life Insurance Company Limited,
11th Floor, Lodha Excelus,
Apollo Mills Compound,
N.M.Joshi Road, Mahalaxmi,
Mumbai – 400 011.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Certiorarified Mandamus calling for the impugned letter



W.P.No.21425 of 2022

WEB COPY

of the third respondent dated 10.12.2021 in Life Insurance Claim No. PC196282 and quash the same and consequently direct the respondents 1 to 3 herein to honour the claim amount of Rs.42,45,247/- (Rupees forty two lakhs forty five thousand two hundred and forty seven only) made by the petitioner in respect of Health Insurance policy availed by the petitioner's husband with the second respondent in Policy No.PP000288 dated 31.10.2019.

For Petitioner : Mr.S.Aravind

For Respondents : Mr.K.S.Parthasarathy for R1
Mr.P.D.Selvaraj for R2
R3 – No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the impugned letter of the third respondent dated 10.12.2021 in Life Insurance Claim No.PC196282 and quash the same and consequently direct the respondents 1 to 3 to honour the claim amount of Rs.42,45,247/- (Rupees forty two lakhs forty five thousand two hundred and forty seven only) made by the petitioner in respect of Health Insurance policy availed by the petitioner's husband with the second respondent in Policy No.PP000288 dated 31.10.2019.



W.P.No.21425 of 2022

WEB COPY

2.The learned counsel appearing for the petitioner would submit that the petitioner's husband availed health insurance policy with the second respondent in policy no.PP000288 dated 31.10.2019 and after his death, the petitioner being the legal heir made claim, however, the same was rejected by the third respondent. The learned counsel further submitted that there is effective remedy available to the petitioner before the Insurance Ombudsman. Hence, this Court without going into the merits of the case may grant liberty to the petitioner to approach the Insurance Ombudsman and further prayed that the period during which the writ petition was pending before this Court may be excluded for the purpose of limitation.

3.In view of the above, this Court, without going into the merits of the case, grants liberty to the petitioner to approach the Insurance Ombudsman, within a period of two weeks from the date of receipt of a copy of this order. If any application is made by the petitioner, the Ombudsman shall consider the same on merits and in accordance with law and shall pass appropriate orders, within a period of twelve weeks thereafter. The period during which the writ petition was pending before this Court is excluded for the purpose of limitation.



W.P.No.21425 of 2022

WEB COPY

4.The writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

09.09.2024

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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W.P.No.21425 of 2022

M.DHANDAPANI,J.
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