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W.P.No.24410 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24410 of 2022

N.Murugesan

... Petitioner

Vs.

ICICI Prudential Life Insurance
Company Limited,
Rep. by its Branch Manager,
No.4/1044, KBS Arcade,
1st Floor, Kovai Road,
Opposite to EB Office,
Karur – 639 002.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 26.03.2022 and direct them to provide the receipts for the payment made by the petitioner towards the insurance premium of the insurance policies for the months September 2021 to February 2022 and direct them to accept the demand drafts dated 22.03.2022 sent by the petitioner towards the insurance premium for the month of March 2022 and renew the insurance policies Nos.22112949 and 22248274 respectively within a time frame as stipulated by this Court.



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For Petitioner : Mr. Manojkumar

For Respondent : No appearance

ORDER

This writ petition has been filed for directions, directing the respondent to consider the petitioner's representation dated 26.03.2022 seeking receipts for the payment made by the petitioner for the months September 2021 to February 2022 and further direction to accept the demand drafts dated 22.03.2022 for the month of March 2022 and renew the insurance policies Nos.22112949 and 22248274.

2. The petitioner had taken two insurance policies for the respondent in policy Nos.22112949 and 22248274, during the year 2018 under ICICI Pru iPtotect Smart for a sum of Rs.50,00,000/- each. The term of the policies are 15 years and 14 years respectively. While being so, by the communication dated 09.04.2021, the petitioner was asked to provide documents relating to the petitioner's health records.

3. The learned counsel appearing for the petitioner pointed out that under Section 45 of the Insurance Act, the policy of life insurance cannot be questioned by the insurer on the ground that a statement made



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in the proposal for insurance or in any report of a medical officer, or referee, or friend of the insured, or in any other documents leading to the issue of the policies, was inaccurate or false after the expiry of three years from the date of the effect of the insurance policy. However, the documents, which were requested by the respondent, were duly produced by the petitioner. When the petitioner tried to renew his policies through online, the petitioner was not able to access his policies. Due to Covid-19, there was a lockdown and as such, the petitioner was not able to personally visit the respondent branch to pay the renewal amount. Therefore, the petitioner by way of Demand Draft had sent the premium amount for renewal of the policies. However the respondent refused to receive the same and failed to renew the policies.

4. Heard the learned counsel appearing for the petitioner. Though notice served on the respondent and the name printed in the cause list, no one appeared before this Court either in person or through counsel.

5. Considering the above facts and circumstances, the



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respondent is directed to provide receipts for the payment made by the petitioner towards insurance premium, within a period of two weeks from the date of receipt of a copy of this Order. Further, the respondent is also directed to renew the insurance policies of the petitioner and permit the petitioner to pay the premium in future, from the month of March 2022, as per the terms of the policies.

6. With the above directions, the Writ Petition stands disposed of. There shall be no orders as to costs.

25.06.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
rts



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To

The Branch Manager,
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G.K.ILANTHIRAIYAN. J.

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