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W.P.No.22460 of 2024

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.22460 of 2024

And

W.M.P.No.22463 of 2024

Abirami

... Petitioner

Vs.

1. THE INSURANCE REGULATORY
AND DEVELOPMENT AUTHORITY OF INDIA,
SY NO.115/1, FINANCIAL DISTRICT,
NANKRAMGUDA, GACHIBOWLI, HYDERABAD- 600 032.

2. THE AUTHORIZED OFFICER
THE HDFC ERGO GENERAL INSURANCE COMPANY LIMITED,
HDFC HOUSE, 1ST FLOOR,
165- 166 BACKBAY RECLAMATION,
H.T. PAREKH MARG, CHURCHGATE MUMBAI-400 020.

3. THE AUTHORIZED OFFICER
THE HDFC ERGO GENERAL INSURANCE COMPANY LIMITED,
PUDUCHERRY BRANCH,
1ST FLOOR, NO.23, CITY TOWERS,
GAYATHRI NAGAR, 100FT ROAD,
SOLAN NAGAR, MUDALIARPET, PUDUCHERRY-605 004.

4. THE GENERAL MANAGER
RESERVE BANK OF INDIA, KAMARAJAR SALAI, CHENNAI-01.



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5. THE AUTHORIZED OFFICER
HDFC BANK LIMITED,
PLOT NO.567, FIRST FLOOR,
EAST COAST ROAD, KRUVADIKUPPAM,
LAWSPET, PUDUCHERRY-605 008.

6. JOINT GENERAL MANAGER
HDFC BANK LIMITED,
HOD- CREDIT RISK MANAGEMENT,
2ND FLOOR, ITC CENTRE, 760,
ANNASALAI, CHENNAI- 02.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for records relating to the order passed by Second respondent herein in Repudiation of claim No.RR- C121-12475607 dated 23.06.2021, rejecting the claim of the Petitioner and to quash the same and consequently direct the second respondent herein to release the insured amount in policy No. 2918 2015 1316 9000 000 in Loan Account No.621735207 of Rs.16,82,262 /-.

For Petitioner : Mr.N.Damodaran

For Respondents : Mr.K.S.Parthasarathy for R5

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for records relating to the order passed by Second respondent herein in Repudiation of claim No.RR- C121- 12475607 dated 23.06.2021, rejecting the claim of the Petitioner and to quash the same and consequently direct the second respondent herein to release the insured



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amount in policy No. 2918 2015 1316 9000 000 in Loan Account

No.621735207 of Rs.16,82,262 /-.

2.The learned counsel appearing for the petitioner would submit that the petitioner's husband availed loan to the tune of Rs.15,50,000/- from the fifth respondent bank and in order to insure the loan, the petitioner's husband had availed insurance policy with the second respondent in policy no. 2918 2015 1316 9000 000 dated 29.09.2021 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

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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.

4.The writ petition is disposed of with the above directions. No costs.

Consequently, the connected miscellaneous petition is closed.

09.09.2024

dhk

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

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M.DHANDAPANI,J.

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