



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.10.2024

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P.NO.29015 of 2024

and WMP. No. 31814 of 2024

S.Jayalakshmi

... Petitioner

Vs.

1. The Insurance Regulatory and Development Authority of India,
Sy. No.115/1, Financial District,
Nanakramguda, Gachibowli, Hyderabad.

2. The authorized Officer,
Aditya Birla Health Insurance Company Ltd.,
10th Floor, R-Tech Park, Nirlon Compound,
Goregaon East, Mumbai.

3 The General Manager,
Reserve Bank of India,
Kamarajar Salai,
Chenani-1.

4. The Authorized Officer,
FED Bank Financial Service Ltd.,
Kanakia Wall Street, A-Wing,
5th Floor, Unit No.501/502/511/512,
Andheri Kurla Road, Andheri-East,
Mumbai, Maharashtra.

..... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order passed by the second respondent in claim registration No.6222110001671 dated 28.08.2021 and quash the same and consequently direct the first and second respondent to release the insured amount Rs.60,00,000/-.

For Petitioner

: Mr. S.Sivakumar



ORDER

The writ petitioner seeks to quash the impugned order passed by the second respondent in claim registration No.6222110001671 dated 28.08.2021 and consequently direct the first and second respondent to release the insured amount Rs.60,00,000/-.

2. It is the case of the petitioner that her husband died on 28.06.2021 due to cardiac arrest. While he was alive, he has taken medical insurance with the second respondent. After his death, the petitioner made a claim before the second respondent on 28.08.2021 which was rejected. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that there is a clear document for the cause of death of his husband out of which is crystal clear that the death is of sudden cause/ailment namely the Medical Certificate of cause of death and the death certificate. At the inception of proposal of insurance, the company had promised that the conditions would cover heart ailments, cardiac arrest etc., and they never mentioned any sort of information in terms of sudden death or ailments not being covered under this respective policy and therefore sudden unpredicted death are totally accepted and covered under this insurance unless it is expressly denied.

4. Heard the learned counsel for the petitioner and perused the materials available on record. Since no adverse order is passed against the respondents, notice to



them is dispensed with.

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5. Considering the fact that the petitioner's husband has obtained a Insurance Policy on 16.02.2018 with the second respondent and the said policy has been expired on 15.02.2023 whereas he died on 28.06.2021. However, the claim made by the petitioner was rejected by the second respondent. If the petitioner has any grievance, there is an effective appeal remedy available in respect of the subject matter only before the Insurance Ombudsman, the petitioner has to approached there.

6. Under such circumstances, this Court directs the petitioner to file an appeal before the Insurance Ombudsman within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of which, the Insurance Ombudsman shall consider and dispose the same on merits after providing opportunity to the petitioner as well as the second respondent, within a period of four weeks, thereafter.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.10.2024

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M. DHANDAPANI .J.



To:

1. The Insurance Regulatory and Development Authority of India,
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