BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12863 of 2024

Manju ... Petitioner

Vs.

1.The Insurance Regulatory and Development Authority (IRDAI),
Sy No.115/1, Financial District,
Nanakramguda,
Hyderabed 500032.
(R1 is deleted vide order dated
19.06.2024 by GRSJ)

2.The Branch Manager,
Bajaj Finance Limited,
Branch Office at Unit No.804, 805, 806,
Delta Wing, 8th Floor, Raheja Towers,
No.177, Anna Salai,
Chennai 600 002.

3.The Manager,
HDFC Life Insurance Company Limited,
13th Floor, Lodha Excelus Apollo Mills Compound,
N.M.Joshi Marg,
Mumbai-11.

4.The Signatory,
Kotak Mahindra Bank Limited,
27 BKC, C27, G Block,
Bandra Kurla Complex,
Bandra (E),
Mumbai 400 051. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 10.02.2024 and further to hold the 3rd respondent is liable to indemnify the petitioner husband's loan to 2nd and 4th respondent in accordance with the insurance policy.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.S.Anwar Sameem for R1

: Mr.S.Suthakaran for R2

: Mr.C.Muthu Saravanan for R3

ORDER

Heard both sides.

2. The petitioner's claim was repudiated on 17.07.2023. Aggrieved by the same, the petitioner filed an appeal before the insurance ombudsman. The insurance ombudsman, Chennai passed the following order:-

> "The forum directs the Insurer to communicate the materials and grounds on which such decision to repudiate the policy of life insurance is based, to the claimant, immediately. On receipt of the same, the claimant shall furnish response relating to the claim to the insurer. On receipt of the response from the claimant, the insurer shall review the claim immediately as per policy terms and conditions and communicate the decision to the claimant."

3. The copy of the said order has not been served on the petitioner. The petitioner is permitted to place her explanation before the third respondent. As directed by the insurance ombudsman, the third respondent shall revisit their decision and pass a speaking order. The petitioner undertakes to offer her explanation within seven days. The third respondent shall pass a review order within a period of four weeks thereafter. I have not gone into the merits of the matter.

4. The Writ Petition is disposed of accordingly. No costs.

29.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

G.R.SWAMINATHAN, J.

rmi

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