BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.11.2024**

CORAM:

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

W.P.(MD)No.5198 of 2019

S.Nyana Mohammed ... Petitioner

-Vs-

1.Government of India,
Ministry of Finance,
Department of Financial Services,
Jeevan Deep Building, Parliament Street,
New Delhi-110 001.

2.The Branch Manager,
Universal Sompo General Insurance Company Ltd.,
Capital Towers, 5th Floor,
554 & 555, Anna Salai, Teynampet,
Chennai-18.

3.The Branch Manager,
O/o. Indian Overseas Bank,
Sholavanda, Madurai District.

4.Insurance Regulatory and Development
Authority of India,
Sy.No.115/1 Financial District,
Nanakramguda, Gachibowli,
Hyderabad-500032. ... Respondents

(R4 is suo motu impleaded vide Court order dated 08.12.2022)

PRAYER**:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to disburse a sum of

Rs.2,00,000/- (Two Lakhs Only) to the petitioner being accidental death insurance coverage amount under Pradhan Mantri Suraksha Bima Yojana (PMSBY) Scheme on account of death of N.Mohammed Ibrahim, son of the petitioner on 07.01.2017 with interest by considering the submission of claim form by the petitioner dated 10.11.2017 within the period that may be stipulated by this Court.

For Petitioner	: M/s.P.Yasmin Begum
For R1	: Mr.G.Rajaraman, Central Government Standing Counsel
For R2	: Mr.S.Srinivasa Raghavan
For R3	: Mr.N.Dilip Kumar
For R4	: Mr.S.Anwar Sameem

ORDER

This Writ Petition has been filed, seeking for a direction to the respondents to disburse a sum of Rs.2,00,000/- to the petitioner ie., accidental death insurance coverage amount under the Pradhan Mantri Suraksha Bima Yojana (PMSBY) Scheme (hereinafter referred to as 'the scheme') on account of the death of his son on 07.01.2017 with interest.

2.It is the case of the petitioner that his son was having account with the 3rd respondent and he had subscribed a sum of Rs.12/- per annum under the scheme from the year 2015. Accordingly, the said premium amount was deducted from the account of his son. This scheme is one of three social security schemes and the Government of India had announced the same in the year 2015. It is an accident insurance scheme, which offers one year accidental death and disability cover and it can be renewed annually. Accordingly, the petitioner's son renewed the said scheme without fail. Further, under the scheme the risk coverage is Rs.2,00,000/- for accidental death and full disability and Rs.1,00,000/- for partial disability. While being so, unfortunately, the petitioner's son met with an accident on 07.01.2017and died on the same day itself. Due to the said accident, a case has been registered in Crime No.8 of 2017 for the offences under Section 279, 304(A) IPC on the file of TIW West Police Station, Coimbatore against the lorry driver, who caused the accident.

3.It is the further case of the petitioner that due to the sudden demise of his son, he failed to verify the bank account details of his son immediately. While the petitioner was verifying the bank account with the 3rd respondent, he came to understand that his son had subscribed the scheme and therefore, he is entitled for accidental death benefit under the scheme. Thereafter, immediately, the petitioner submitted a claim form on 10.11.2017 to the 3rd respondent and the same has been forwarded to the 2nd respondent and it has been pending for the past several years without any consideration. Therefore, the petitioner has filed this Writ Petition.

4.Heard the learned counsel on either side and perused the materials available on record carefully.

5.It would be necessary to extract the relevant clause as referred to in the insurance claim settlement procedure for the scheme hereunder:-

> *"3.The Claim form shall be completed by the insured or, as the case may be, by the nominee and submitted to the above bank branch preferably within 30 days of the occurrence of the accident giving rise to the claim under the policy."*

6.It is the contention of the petitioner that due to sudden demise of his son, he is not able to make his claim within a period 30 days from the date of accident as specified in the insurance claim settlement procedure for the scheme. Therefore, since the petitioner has valid reason for the belated claim, on the ground of delay, his claim cannot be rejected.

7.In view of the above, the 2nd respondent is directed to consider the claim petition forwarded by the 3rd respondent and disburse the accidental death benefits as per the scheme to the petitioner with applicable interest, within a period of four weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition is allowed. No costs.

28.11.2024

Index : Yes / No
NCC : Yes / No

Yuva

TO:-

The Branch Manager,
Universal Sompo General Insurance Company Ltd.,
Capital Towers, 5th Floor,
554 & 555, Anna Salai, Teynampet,
Chennai-18.

G.K.ILANTHIRAIYAN, J.

Yuva

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