



W.P.(MD)No.18797 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2024

CORAM :

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P.(MD)No.18797 of 2024

and

W.M.P.(MD)No.15902 of 2024

Shanmugasundari

... Petitioner

Vs.

1.The Chairman,  
Insurance Regulatory and Development  
Authority (IRDA),  
Sy.No.115/1, Financial District,  
Nanakramguda, Hyderabad-500 032.

2.The Office of the Insurance Ombudsman,  
State of Tamil Nadu & Puducherry,  
Fathima Akhtar Court,  
4<sup>th</sup> Floor, 453 Anna Salai,  
Teynampet, Chennai-600 018.

3.M/s.ICICI Prudential Life Insurance Company Ltd.,  
Rep. by its Divisional Manager,  
No.4/1044, 1<sup>st</sup> Floor, Kovai Road,  
Karur-639 002.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent in Award No.IO/CHN/A/LI/0059/2024-2025, dated 25.06.2024 and quash the same as



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illegal and consequently, to direct the 3<sup>rd</sup> respondent to pay the insurance benefits to the petitioner as per the Policy No.74296782.

For Petitioner : Mr.M.Prabhakaran  
For R1 : Mr.S.Anwar Sameem  
For R2 & R3 : No Appearance

### **ORDER**

According to the petitioner, her husband died on 20.08.2023. Since he has taken insurance policy with the 3<sup>rd</sup> respondent, the petitioner made a representation to the 3<sup>rd</sup> respondent, seeking disbursement of the claim amount. However, the same has been repudiated by the 3<sup>rd</sup> respondent, vide Repudiation Letter dated 31.12.2023 on the ground that material information ie., insurance cover availed with other insurers, has not been disclosed and false income proof has been produced, when the proposal was submitted for subscription. Aggrieved by the same, the petitioner has preferred a complaint before the 2<sup>nd</sup> respondent, who in turn, confirmed the repudiation of the 3<sup>rd</sup> respondent, vide order dated 25.06.2024. Challenging the same, the petitioner has filed this Writ Petition.

2.At the outset, this Court is of the view that repudiation has to be challenged only before the Consumer Disputes Redressal Commission or



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before the competent civil Court, not before this Court. The petitioner has to establish certain fundamental facts by adducing evidence in the Commission.

Those things cannot be decided in this Writ Petition.

3.In such view of the matter, this Writ Petition is dismissed with liberty to the petitioner to approach the Consumer Commission or the competent civil Court and the period spent in this Writ Petition shall be excluded by either of the Consumer Commission or the civil Court, taking note of the fact that the petitioner has pursued the remedy *bona fide* before this Writ Court. No costs. Consequently, connected miscellaneous petition is closed.

**18.10.2024**

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

*Yuva*



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**N.SATHISH KUMAR, J.**

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