



WEB COPY



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W.P.(MD)NO.21585 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21585 of 2022

Jothimani

... Petitioner

Vs.

M/s.United India Insurance Company Ltd.,
Rep. by its Branch Manager,
No.54A, Mythili Nivas 1st Floor,
Palani Road, Dindigul.

... Respondent

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 order dated 12.08.2021 in claim No.0907033121C050120001 passed by the respondent and quash the same and consequently direct the respondent herein to pay due compensation payable to the petitioner with interest.

For Petitioner : Ms.K.R.Shivashankari

For Respondent : Mr.C.Karthik

* * *

ORDER

Heard both sides.



2. The petitioner's husband Murugan had taken personal accident insurance policy with the respondent. He was driving a load vehicle. It met with an accident and he passed away. The accident had taken place on 19.11.2020. It is not in dispute that during the relevant time, the policy was very much in force. When the petitioner applied for insurance amount, it was rejected on the ground that there was violation of policy and permit conditions and therefore, the petitioner was not entitled to get compensation under the personal accident claim. Challenging the repudiation letter dated 12.08.2021, the present writ petition came to be filed.

3. After hearing the learned counsel on either side, I am more than satisfied that the impugned communication has to be set aside. The respondent merely stated that the insured vehicle has been used against the policy and permit conditions. This is rather vague. The respondent was obliged to clarify as to how the usage was against the policy and permit conditions. I set aside the impugned communication on the ground of vagueness. The matter is remitted to the file of the respondent. The respondent will revisit the issue and he will issue notice to the petitioner to appear in person and after hearing the petitioner, the



respondent will take a call on the claim. The entire exercise will be completed within a period of six weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. This writ petition stands allowed on these terms. No costs.

08.07.2024

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

To:

M/s.United India Insurance Company Ltd.,
Rep. by its Branch Manager,
No.54A, Mythili Nivas 1st Floor,
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G.R.SWAMINATHAN,J.

PMU

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