



W.P.(MD)No.20812 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20812 of 2024
and WMP(MD) Nos.17637 & 17641 of 2024

I.Shirajudeen

... Petitioner

Vs

1. The Insurance Regulatory and Development Authority of India (IRDAI),
Survey No.115/1, Financial District,
Nanakarmguda, Gaicibowli,
Hyderabad-500 032.

2. The Insurance Ombudsman,
State of Tamil Nadu and Puducherry,
Chennai.

3. Star Health and Allied Insurance Co.Ltd.,
Rep, by its Manager,
No.1290/1, First Floor,
Periyakulam Road,
Theni – 625 531.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned Award No.IO/CHN/A/HI/0695/2022-2023 dated 28.02.2023 passed by the Insurance Ombudsman, (Tamil Nadu and



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Puducherry) Chennai and quash the same and consequently directing the respondents to disburse the compensation amount payable to the petitioner for the insurance policy No.P/121317/02/2021/000834 for the period covering from 01.01.2021 to 31.12.2022.

For Petitioner : Mr. S.Siva Thilakar
for M/s.Ajmal Associates
For Respondent : Mr.P.Subbaraj
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned Award No.IO/CHN/A/HI/0695/2022-2023 dated 28.02.2023 passed by the Insurance Ombudsman, (Tamil Nadu and Puducherry) Chennai and quash the same and consequently directing the respondents to disburse the compensation amount payable to the petitioner for the insurance policy No.P/121317/02/2021/000834 for the period covering from 01.01.2021 to 31.12.2022.

2.Heard Mr.S.Siva Thilakar, learned counsel appearing for the petitioner. Perused the materials available on record.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the nature of relief, counter is not required in this writ petition.

4. It is the contention of the petitioner is that the impugned award has been passed alleging that the petitioner has suppressed the pre-existing disease namely diabetics. Hence, this writ petition has been filed.

5. At the outset, this Court is of the view that the facts are to be established in the manner known to law. The writ petition is not maintainable. The petitioner has to approach the Consumer Redressal Forum, where the petitioner can produce the relevant evidence to substantiate his claim.

6. In view of the above observations, this writ petitions stands dismissed. However, the period of days pending writ petition shall be excluded while filing the application before the concerned Authorities, since the petitioner has pursued the matter before this Court. There shall be no order as to costs.



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Consequently, connected miscellaneous petitions are closed

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NCC : Yes/No

Index : Yes/No

PNM

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N.SATHISH KUMAR, J.

PNM

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