



W.P(MD)No.21187 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.21187 of 2024

and

W.M.P.(MD)No.17952 of 2024

A.Shanthi

... Petitioner

Vs.

1.The NBFC Ombudsman,
C/o. Reserve Bank of India,
Fort Glacis, Chennai-600 001.

2.The Insurance Ombudsman,
Office of the Insurance Ombudsman,
Fatima Akhtar Court, 4th Floor,
453, Anna Salai, Teynampet,
Chennai-600 018.

3.The Manager,
Tata AIG Company Insurance Company Ltd.,
Door No.74A, 74B, ADR Towers,
2nd Floor, Madurai-625 016.

4.The Manager,
PNB Housing Finance Ltd.,
New Door No.48, Plot No.12,
Byepass 2nd Street, Ponmani,
Madurai-625010.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents 1



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and 2 to take appropriate action against the respondents 3 and 4 by considering the petitioner's representation dated 05.08.2024 and pass appropriate orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner	: Mr.M.Jerin Mathew
For R1	: Mr.K.R.Laxman
For R2	: No Appearance
For R3	: Mr.V.Sakthivel
For R4	: Mr.I.Suthakaran

ORDER

According to the petitioner, her husband has availed loan with the 4th respondent Bank and the same was insured by the 3rd respondent. Her husband died on 07.08.2022 due to heart attack. Therefore, the petitioner submitted a claim form with the 3rd respondent to cover the EMI installments. However, no action has been taken. Therefore, she made a representation dated 05.08.2024 to the respondents in this regard. Since the same has not been considered so far, the petitioner has filed this Writ Petition.

2.The 3rd respondent has filed counter, stating that the claim has been repudiated, since the very cause for the death has not been established and it is doubted.



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3.It is to be noted that the claim of the petitioner has been rejected on the ground that the death is not due to the reasons stated by the petitioner. Since it is a disputed fact, it has to be established in the manner known to law and repudiation has to be challenged only before the Consumer Disputes Redressal Commission or 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.

4.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.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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N.SATHISH KUMAR, J.

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