



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 35637 of 2025
AND WMP NO. 39882 OF 2025**

SARAVANAN

Petitioner(s)

Vs

1. The Manager
Star Health And Allied Insurance
Company Ltd.,
No.1, New Bank Street,
Valluvarkottam, Nungambakkam,
Chennai-34.

2.The Branch Manager
Star Health Insurance,
No.2/91, New No.258/2,
Sri Vaari Shopping Mall, 3rd Floor,
New Bus Stand Main Road,
Salem District.

Respondent(s)

PRAYER: This petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, **to** call for the records of the impugned order passed in letter No. C.I.R/ 2024/ 121500/ 02/ 1782739 dated 1.09.2024 by the 2nd respondent and quash the same as illegal and consequently direct the respondents to disburse the insured amount with n time framed by this Honourable Court



For Petitioner(s): Mr.Srirajkannan
For Respondent: Mr.R.Abdul Mubeem

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ORDER

The petition has been filed by the petitioner, seeking to quash the order passed in letter No. C.I.R/ 2024/ 121500/ 02/ 1782739 dated 01.09.2024 by the 2nd respondent and consequently, direct the respondents to disburse the insured amount with n time framed by this Honourable Court.

2.The grievance of the petitioner is that he had taken up a family accident insurance scheme from the office of the second respondent on 29.05.2023 and had a paid a premium for Rs.4426/- periodically and he had validity upto 28.05.2024 and covered a sum of Rs.50,00,000/- Further he had taken up a family health insurance scheme for which he had paid a premium also. While so, the petitioner's daughter met with an accident on 13.02.2024 and as a result, she has sustained severe injuries and died on the spot. Therefore, the petitioner made a representation to disburse the insurance amount for death of her daughter and the same was rejected by the second respondent vide impugned order dated 10.09.2024. Challenging the same, the present writ petition has been filed before this Court seeking appropriate remedy.

3. The learned counsel for the petitioner submitted that the petitioner has paid entire premium for the insurance scheme. The second respondent, without



properly considered about the terms and conditions of the plan, rejected the petitioner's request, which is illegal. This Court may permit the petitioner to file an appeal before the Insurance Ombudsman within the reasonable time as fixed by this Court.

4. The learned Standing Counsel appearing on behalf of the respondents have not objected the permission sought for by the petitioner.

5. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

6. Admittedly, the petitioner has paid entire premium for the accident insurance scheme to the respondents. The petitioners daughter died due to the accident. The respondent was rejected the petitioners request for claiming the insurance for the death of the petitioner's daughter. According to the petitioner the deceased unmarried daughter was the age limit of 25 years and she was Dependant. According to the respondent, the deceased was running a business and hence, she is not a Dependant. Such being the case, this Court cannot be decided the issue under Article 226 of the Constitution of India. The Ombudsman only can decide the issue. However, the petitioner seeks permission of this Court to approach the Insurance Ombudsman for his remedy.



7. Considering the facts and circumstances of the case and also the specific permission sought for by the petitioner, this Court, without going into the merits of the case, is inclined to direct the petitioner to file an appeal before the Ombudsman (Insurance) within a period of two weeks from the date of receipt of a copy of this order. If such appeal is filed, the Ombudsman shall pass appropriate orders on merits and in accordance with law within a period of twelve weeks thereafter.

8. In the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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