



W.P.No.33961 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 17.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.33961 of 2024
and
W.M.P.No. 36775 of 2024

MANIKANDAN.S

... Petitioner

Vs

1. CHOLAMANDALAM INVESTMENT
& FINANCE COMPANY LTD.,
REPRESENTED BY ITS MANAGER,
NO.114, SRI ARTHANARI TOWERS,
RACE COURSE ROAD,
COIMBATORE -641 018.
2. INSURANCE OMBUDSMAN,
OFFICE OF THE INSURANCE OMBUDSMAN,
FATIMA AKHTAR COURT,
4TH FLOOR, 453(OLD NO. 312),
ANNASALAI, TEYNAMPET,
CHENNAI -600 018.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent's Rejection notice dated 23.02.2024, quash the same and consequently direct the respondents to dispose the representation made by the Petitioner on 18.04.2024.



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W.P.No.33961 of 2024

For Petitioner : No appearance
For R1 : No appearance
For R2 : No appearance -notice served

ORDER

The grievance of the petitioner is that the petitioner's car met with an accident. When the petitioner made a claim for reimbursement with M/s.Cholamandalam Investment and Finance Company Limited, the private insurance company, they have repudiated the claim by the order impugned in the writ petition. Therefore, this writ petition is filed challenging the repudiation order and also to consider the representation of the petitioner dated 18.04.2024.

2. A perusal of the said representation which is also made to the first respondent, the private insurance company shows that merely marking a copy of the representation to the Ombudsman and making the Ombudsman as a party-the second respondent in the writ petition, does not make the writ petition maintainable. When the impugned order is passed by a private company, the writ petition cannot be entertained to quash the order.



W.P.No.33961 of 2024

3. Similarly, when a representation is made to the private company, they cannot be directed to dispose of the representation in the writ petition. If the petitioner is aggrieved by the repudiation, it would be open for the petitioner to approach the appropriate consumer forum and get a relief in respect of the same. Even if the petitioner believes that the matter is within the realm of the second respondent namely the Insurance Ombudsman, an appropriate application has to be filed, by quoting the provision of law before the second respondent. Without doing so, this writ petition is filed.

4. Keeping open the rights of the petitioner to seek recourse in the manner known to law, this writ petition is dismissed as not maintainable. Consequently, connected miscellaneous petition is closed. No costs.

17.02.2025

Neutral Citation: Yes/No
nsl

To

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W.P.No.33961 of 2024

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D.BHARATHA CHAKRAVARTHY, J.



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W.P.No.33961 of 2024

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