



W.P.No.39424 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 03.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.39424 of 2024

Meena Priyadharshini

... Petitioner

Vs.

1. Insurance Regulatory and Development Authority of India
Sy No.115/1, Financial District
Nanakramguda
Grachibowli
Hyderabad 500 032.
2. Insurance Ombudsman
Office of the Insurance Ombudsman
(Tamil Nadu & Puducherry)
Fathima Akhtar Court, 4th Floor
453, Anna Salai, Teynampet
Chennai 600 018.
3. MAX BUPA Health Insurance Co., Ltd.,
Corporate Office, Block B1/1-2
Mohan Cooperative Industrial Estate
Mathura Road, New Delhi 110 020.



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Now as NIVA BUPA Health Insurance
No.39, 3rd Floor, Samyak Tower, Pusa Road
WEA Karol Bagh, New Delhi 110 005.
(Policy No.30521121201600
Award No.IO/CHN/A/GI/0222/2018-19)

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to disburse the award amount passed in Award No.IO/CHN/A/GI/0222/2018-19 dated 09.11.2018 on the file of the second respondent herein to the petitioner along with approved interest at 8.50% as per rule 17 (7) of Insurance Ombudsman Rules, 2017.

For Petitioner : Mr.V.I.Prashanth

ORDER

This Writ Petition is filed for a Writ of Mandamus directing the respondents to disburse the Award amount as per award No.IO/CHN/A/GI/0222/2018-19 dated 09.11.2018 along with accrued interest thereon.



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2. A perusal of the records, it is seen that the Insurance Ombudsman State of Tamil Nadu and Puducherry has passed the award bearing No.IO/CHN/A/GI/0222/2018-19 thereby directing the Insurer namely the third respondent herein to settle the claims of the complainant and his family members after reinstatement of the policy, subject to the terms and conditions of the policy with further interest at the rate of 8.5% per annum. After the said award, the petitioner made a representation to the third respondent on 27.12.2021 and another email was also sent on 05.03.2024. There is no response whatsoever from the third respondent. Hence the Writ Petition is filed.

3. According to the petitioner, the sum of Rs.18,50,000/- is to be paid with further interest at the rate of 8.5% per annum from 09.11.2018, which is the date of the award. When the petitioner is claiming the amount by way of filling the present Writ Petition, the third respondent insurance



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even though had received notice in the Writ Petition has not chosen to come before this Court.

4. Nobody appears on behalf of the third respondent.

5. In view thereof, the Writ Petition is allowed on the following terms;

(i) The third respondent is directed to comply with the award of the Insurance Ombudsman, the State of Tamil Nadu and Puducherry made in award No.IO/CHN/A/GI/0222/2018-19 dated 09.11.2018 by paying the petitioner a sum of Rs.18,50,000/- with further interest at the rate of 8.5% per annum from 09.11.2018 till the date of disbursement;

(ii) The payment shall be made within a period of 8 weeks from the date of receipt/production of the website uploaded copy of the order without waiting for the certified copy of the order.

(iii) No costs.



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Neutral Citation : No
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To

The Insurance Regulatory and Development Authority of India
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D.BHARATHA CHAKRAVARTHY, J.

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