BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **22.05.2025**

CORAM:

THE HONOURABLE MRS JUSTICE S.SRIMATHY

C.R.P(MD) No. 1601 of 2025

K.V.Ganeshan ... Petitioner

Vs.

1. Hdfc Life Insurance Company Limited,
Rep. Through Authorized Signature,
Having its, Registered Office At,
Lodha Excelus,
13 Floor, Appollo Mills Compound,
N.M.Joshi Marg,

2. Jeevan Autozone Private Limited,
Rep. Through, Authorized Signature,
No.204, GST Road,
Thanakkan Kulam, Madurai.
Branch Office at Theni.

3. M/s.Nissan Renault Finance Service India Private Limited,
Rep. Thorugh Authorized Signature,
VBC Solitaire, 5th Floor, No.47 and 49,
Bazullah Road,
T.Nagar, Chennai - 60 ... Respondents

PRAYER : Petition filed under Article 227 of the Constitution of India, to set aside the impugned Return Order dated 14.02.2025 made in unnumbered C.C. by the District Consumer Dispute Redressal

Commission, Theni and pass any other appropriate order deemed fit to the facts of the case.

For Petitioner : Mr. P.M.Vishnuvarthanan

ORDER

This Civil Revision Petition is filed against the impugned Return Order dated 14.02.2025 made in unnumbered C.C. by the District Consumer Dispute Redressal Commission, Theni.

2. Heard on the side of the Learned Counsel appearing for the petitioner.

3.The learned counsel appearing for the petitioner submitted that the Consumer Disputes Redressal Commission, Theni, had returned the complaint on the ground that it was unclear how the petitioner could be considered as a consumer. He further submitted that the petitioner's father had purchased a car by availing a loan from a financial institution. However, while taking out the premium protection insurance policy, the insurance company had mistakenly entered the petitioner’s name instead of the petitioner’s father's name. Subsequently, when the petitioner’s father passed away, the petitioner invoked the policy and sought assistance from the insurance company. The request was refused on the ground that the policy was in the name of the petitioner, not the deceased. The petitioner contended that, since the car was purchased by his father, the premium protection policy should also have been issued in his father’s name, not in his own. Therefore, the petitioner filed a complaint before the Consumer Court. However, without properly considering the facts of the case, the Consumer Court refused to number the petition.

4. Since the petitioner did not make the purchase in his own name, the contention is accepted. As the petitioner's father has passed away, the petitioner, being only a legal representative, may be considered as a consumer.

5. Accordingly, this Civil Revision Petition is allowed. The Consumer Dispute Redressal Commission, Theni, is directed to number the petition and pass orders on merits, in accordance with law, within a

period of eight weeks from the date of receipt of a copy of the order. No costs.

22.05.2025
[2/2]

NCC : Yes/No
Index : Yes/No
Internet : Yes

KSA

<u>Note :</u> Registry is directed to return the original petition.

To

The Consumer Dispute Redressal Commission,

Theni.

S.SRIMATHY, J

KSA

C.R.P(MD) No. 1601 of 2025

22.05.2025