



W.P(MD)No.29061 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.29061 of 2025

D.Muruganandham

..Petitioner

Vs

- 1.The Authorized Officer,
National Insurance Company Limited,
No.35, 2nd Floor, 1st Main Road,
Gandhi Nagar, Adaiyar,
Chennai – 600 020.
- 2.The Secretary,
Bar Council of Tamil Nadu and Pondicherry,
Bar Council Building,
High Court Campus,
Chennai – 600 104.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the Impugned Order of the 1st respondent dated 26.09.2024 and quash the same as illegal and consequently direct the 1st respondent to consider the claim of the petitioner under Group Personal Accident Insurance - 500300422010000054 and disburse the full Insurance Amount within a time frame.



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For Petitioner : Mr.V.Panneer Selvam for
Mr.B.Chakkaravarthi

For Respondents : Mr.J.S.Murali for R1
Mr.Niranjan.S.Kumar for R2

ORDER

This writ petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the first respondent dated 26.09.2024, quash the same as illegal, and consequently direct the first respondent to consider the petitioner's claim under Group Personal Accident Insurance Policy No. 500300422010000054 and disburse the eligible insurance amount within a time frame to be fixed by this Court.

2. The petitioner submits that he is an Advocate practising before this Court for the past 22 years. On 11.04.2021, while returning from Thiruchendur to Madurai by car along with his family members, at about 2.30 p.m., on NH-38 (Thoothukudi-Madurai Road) near Kalkuchi Samathuvapuram, a dog suddenly crossed the road. In an attempt to avoid the same, the petitioner applied brakes, as a result of which the car overturned. In the said accident, the petitioner's minor son, Mukesh Velavan, aged about 9 years, died on the spot. The petitioner sustained



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grievous spinal cord injuries and was initially admitted to Meenakshi Mission Hospital, Madurai, where he underwent surgery after being diagnosed with C5–C6 distractive flexion injury with bilateral facet dislocation and ASIA-A quadriplegia. Thereafter, he was shifted to Ganga Hospital, Coimbatore, on 06.05.2021, and continued treatment at Ganga Spinal Injury Foundation, Coimbatore, until his discharge on 10.12.2021. Even thereafter, the petitioner has been undergoing continuous treatment and physiotherapy twice a day.

3. The petitioner further submits that due to severe physical disability, prolonged hospitalization, and mental trauma, he was not in a position to approach the respondents within the stipulated time to make a claim under the Group Personal Accident Insurance Scheme through the second respondent. During his treatment, an intimation was sent to the second respondent through the Bar Association along with the receipt for payment of the insurance premium for the year 2021, however, the same was not acted upon. After partial recovery, the petitioner submitted a formal claim on 05.07.2024 along with all relevant medical records. The first respondent, without proper consideration, rejected the claim by the impugned order dated 26.09.2024, which necessitated the filing of the present writ petition.

4. The learned counsel appearing for the first respondent submitted that as per the terms and conditions of the insurance policy, the claim



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ought to have been made within 30 days from the date of the accident. Since the accident occurred in April 2021 and the claim was made much beyond the prescribed period, the rejection of the claim was justified.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts are not in dispute. The petitioner is an Advocate practising before this Court and a member of the Bar Association as well as the Group Insurance Scheme. It is evident that due to the accident, the petitioner sustained severe spinal injuries, lost consciousness, and remained under continuous medical treatment for a prolonged period. In such circumstances, strict adherence to the time limit prescribed under the policy cannot be insisted upon. In the event the petitioner had been in a sound physical and mental condition, he could reasonably have been expected to submit the claim within the stipulated period. However, in the present circumstances, the delay in submitting the claim stands satisfactorily explained.

7. In view of the above, the impugned order dated 26.09.2024 is set aside and the writ petition is allowed. The first respondent is directed to process the claim submitted by the petitioner and disburse the amount covered under the policy, together with interest at the rate of 6% per annum



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from the date of submission of the claim till the date of disbursement, within
a reasonable time. No costs.

20.11.2025

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

To

- 1.The Authorized Officer,
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P.T.ASHA, J.

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