



WEB COPY

WA No. 2773 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE K. SURENDER

WA No. 2773 of 2023

and

CMP No. 23506 of 2023

and

WA No. 2820 of 2023

and

CMP No. 23262 of 2023

1. M/s.HDFC Life Insurance Company Ltd
13th floor, Apollo Mills compound, NM Joshi
Marg, Mahalakshmi, Mumbai 400 001.
2. The Branch Manager
HDFC Life Insurance Company Ltd., No.37/34,
ASVN Ramana Towers, Venkatanarayana
Road, T.Nagar, Chennai 600 017.

..Appellant(s)

Vs

1. The Insurance Ombudsman
The Ombudsman Tamil Nadu and Puducherry,
Fathima Akthar Court, 4th Floor, No.453, Anna
Salai, Teynampet, Chennai 600 018.
2. S.Parimala
W/o.Mr.late R.Selvamani, Prestige Bella Vista
T- 16 B, Door No.16147, 12th Floor,
Ayyapanthangal, Chennai 600 056.

..Respondent(s)

WA No. 2820 of 2023

1. M/s.HDFC Life Insurance Company Limited
13th floor, Apollo Mills compound, NM Joshi
Marg, Mahalakshmi, Mumbai 400 001.



2. The Branch Manager
M/s..HDFC Life Insurance Company Ltd.,
No.37/34, ASVN Ramana Towers,
Venkatanarayana Road, T.Nagar, Chennai
600 017.

..Appellant(s)

Vs

1. The Insurance Ombudsman
O/o.The Ombudsman Tamil Nadu and
Puducherry, Fathima Akthar Court, 4th Floor,
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..Respondent(s)

WA No. 2773 of 2023

To set aside the order of the Learned Judge Passed in
WP.No.9989/2020 dated 09-01-2023 and pass such further or other orders
that are deemed fit and necessary in the circumstances of this case and thus
render justice

WA No. 2820 of 2023

To set aside the order of the Learned Judge passed in WP No.9986/2020 dt.
09.01.2023

WA Nos. 2773 & 2820 of 2023

For Appellant(s): Mrs.Karthika Ashok

For Respondent(s): No appearance for R1
Mr.A.D.Janarthanan for R2

**COMMON JUDGMENT****(Judgment of the Court was delivered by S.M.Subramaniam J.)**

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The writ order dated 09.01.2023 passed in W.P.Nos.9986 & 9989 of 2020 is under challenge before this Court through the intra Court appeals instituted by the HDFC Life Insurance Corporation Ltd.

2. Learned counsel for the appellants would mainly contend that the deceased husband of the 2nd respondent suppressed the fact regarding the medical records and the treatment underwent by him before the date of policy, i.e., 18.12.2017 and 26.04.2018.

3. The husband of the petitioner was admitted in Sri Ramachandra Hospital and the treatment provided failed and subsequently, he died.

4. Learned counsel for the appellants would mainly contend that the medical records produced by Sri Ramachandra Medical Hospital would show that the petitioner suffered “systematic hypertension, chronic kidney disease and hypertensive retinopathy” and the said factum was suppressed at the time of entering into the policy agreements. Thus, the 2nd respondent is not entitled for the policy amount in view of the condition stipulated in the policy agreements.

5. This Court has carefully gone through the medical records as well as the findings of the writ Court.

6. The ground raised by the appellants have been elaborately considered by the writ Court and in paragraph Nos.3, 4 and 8 in the writ order



impugned, the learned Judge has made the following findings.

3. *I am unable to comprehend how medical professionals can certify a death and then put a question mark relating to the cause of death when they had a dead body before them. The person was an impatient in their hospital. They should have been definite about the reason for the death. It could even be owing to their medical negligence. It could be owing to infection in any vital part of the patient and therefore, causing death. But, giving a reason for the death and then putting a question mark next to it, indicates that either they are ignorant of their own profession or they have not examined the body thoroughly or they had a doubt about their own medical service rendered to the patient. At any rate, in the death report, as produced in both the Writ Petition, it had been stated as follows:-*

“systematic hypertension, chronic kidney disease and hypertensive retinopathy.”

4. *This very ambiguous reason for the death has given material for the respondent herein to repudiate the policy and the claim made by the petitioner herein seeking the amount paid by the late husband while taking the Insurance Policy.*

....

8. *It is also surprising to note that they placed reliance on a death report given by the Ramachandra Medical College and Research Institute, which had a question mark next to it. They had not referred the medical reports of the petitioner to any expert body*



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or to any other medical professional and sought an independent opinion before coming to a conclusion that the petitioner herein had withheld information that he was suffering from hypertension or from Kidney related problems. It reflects total non-application of mind. There has only been intention to repudiate the policy and a refusal to honour the commitment. This is very evident on the face of the record.

7. The facts with reference to the insurance policies have been elaborately considered by the writ Court and the reasoned order, which is under challenge, deserves no interference from the hands of this Court.

8. It is brought to the notice of this Court that the policy amount had already been deposited by the appellants in the credit of the present writ appeals before the Registrar General, High Court of Madras. The 2nd respondent is at liberty to file appropriate application before the Registrar General, High Court of Madras, who in turn, shall verify the identity of the respondent and disburse the entire amount along with interest, if any accrued, within a period of two weeks from the date of receipt of filing of the application.

9. With the above observation, the Writ Appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (K.S.,J.)
25-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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**S.M.SUBRAMANIAM J.
AND
K.SURENDER J.**

VSI

WA Nos. 2773 & 2820 of 2023

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