IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 17-03-2026**

CORAM

**THE HON'BLE MR JUSTICE M.DHANDAPANI**

**W.P.No.16798 of 2024**
**& WMP.No.18472 of 2024**

N.A.Seethalakshmi

...Petitioner(s)

Vs.

1. Insurance Regulatory & Development Authority Of India, Si. No.115/1 Financial District, Nanakramguda, Gachbowli, Hyderabad- 500 032.

2. Niva Bupa Health Insurance Company Ltd Rep By Its Director - Operations And Customer Service, (formerly Known As Max Bupa Health Insurance Company Ltd.), C-98, I Floor, Lajpat Nagar 1, New Delhi.

3. The Assistant Manager - Grievance Redressal Team, Niva Bupa Health Insurance Company Ltd., (formerly known As Max Bupa Health Insurance Company Ltd,), II Floor, Logix Infotech Park, Plot No.D-5, Secot-59, Noida- 201 309.

4. Niva Bupa Health Insurance Company Ltd., Rep By Its Authorised Signatory (formerly

known As Max Bupa Health Insurance
Company Ltd.), I Floor, Door No.45, 47/5,
Odyssey Towers, Gandhi Nagar I Main Road,
Adyar, Chennai-20.

5. Apollo Cancer Centre
No.320, Anna Salai, Teynampet,
Nandanam, Chennai-35.

...Respondent(s)

**Prayer:** Petition under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent dated 27.3.2024, which is confirmed by the 3rd respondent dated 03.5.2024, quash both and consequently direct the respondents to disperse/release the amount claimed by the 5th respondent hospital and continue to bear the hospital expenses for the petitioner's husband Alalasundaram, ID 1454293.

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|---|---|
| For Petitioner(s): | M/s.G.Selvi George |
| For Respondent(s): | Mr.M.B.Raghavan,<br>for M/s. M.B.Gopalan Associates for R-1<br>RR- 2 to 4 served & no appearance<br>Not ready in notice for R-3<br><br>Ms.T.Vennila for R-5 |

## ORDER

This is a petition filed by the petitioner seeking to quash the proceedings of Niva Bupa Health Insurance Company Limited dated

27.3.2024 as confirmed by the third respondent and to issue a consequential direction to the respondents to disburse or release the amount claimed by the fifth respondent hospital and continue to bear the hospital expenses for the petitioner's husband – one Mr.Alalasundaram.

2. Heard the learned counsel for the petitioner and the respective learned counsel appearing for respondents 1 and 5.

3. The case of the petitioner is as follows:

(a) Niva Bupa Health Insurance Company Limited is a private Indian health care insurance company registered under the first respondent. In the year 2012, the petitioner took a health insurance policy for her husband – the said Mr.Alalasundaram having a silver plan. The annual premium was fixed at Rs.16.544/- and the sum insured was Rs.3 lakhs. During 2018-19, the petitioner upgraded the policy to platinum plan, by which, the sum assured was Rs.50 lakhs and a premium of Rs.1,82,128/- was to be assured annually, inclusive of taxes.

(b) The last renewal was on 31.10.2023 and it expired by 30.10.2024. The petitioner also paid the premium and the policy is still in force. Subsequently, the petitioner's husband has fallen sick and has been taking treatment in the fifth respondent hospital. For the treatment taken, the fifth respondent hospital raised a claim directly to the Insurance Company for the release of Rs.30 lakhs. Pursuant to that, the Insurance Company sent a communication dated 27.1.2024 informing that approval was granted for a sum of Rs.10 lakhs as against Rs.30 lakhs. Thereafter, the fifth respondent furnished the requisite information as demanded by the Insurance Company.

(c) Later, the petitioner came to know that vide letter dated 27.3.2024, the Insurance Company not only withdrew the approval of Rs.10 lakhs vide letter dated 27.1.2024, but also rejected the entire claim of Rs.30 lakhs vide the email sent by the third respondent. Hence the writ petition.

4. When the matter is taken up for hearing, the learned counsel appearing on behalf of the 1st respondent submitted that as against the impugned order, there is an effective appeal remedy available before the

Insurance Ombudsman and that however, without exhausting such remedy, filing a writ petition before this Court is not sustainable. Accordingly, he prayed this Court for appropriate orders.

5. In view of the above, liberty is granted to the petitioner to approach the Insurance Ombudsman by filing an appeal against the impugned order within a period of two (2) weeks from the date of receipt of a copy of this order. Upon filing of such appeal, the Insurance Ombudsman is directed to dispose of the same within a period of (6) weeks thereafter after providing an opportunity to the petitioner as well as the 2nd respondent.

6. With the aforesaid liberty and direction, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

**17-03-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
NHS

**M.DHANDAPANI, J.**

**NHS**

To

Insurance Regulartory And Development
Authority Of India
Si. No.115/1 Financial District,
Nanakramguda, Gachbowli, Hyderabad- 500
032.

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