IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2026

CORAM:

THE HON'BLE MR. JUSTICE M. DHANDAPANI

WP No. 7475 of 2026

Sumathy

..Petitioner

Vs

M/s. Oriental Insurance Company Ltd.,
Rep. by its Authorised Manager, Divisional Office,
Spencer Towers, 4th Floor, 770 A, Anna Salai,
Chennai 600 002.

..Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus , directing the respondents to disburse the insurance amount covered of period of 2014 to 2015 the petitioners car vide TN-20- BR- 8752 Vide Policy PCCV package Policy to the hands of the petitioner within reasonable time as fixed by this Honorable Court.

For petitioner : Mr.M. Saravanakumar
For respondent : Mr.Nageswaran

ORDER

This writ petition has been filed for a direction to the respondent to disburse the Insurance amount covered for the period of 2014 to 2015 vide petitioner's car bearing Registration No.BR-8752 vide policy PCCV package policy to the hands of the petitioner within a reasonable time to be fixed by this Court.

2. The case of the petitioner is that she is the owner of the car bearing Registration No. TN-20-BR-8752. The said vehicle had been hired to Karthick Travels, CIT Nagar, Chennai. According to the petitioner, during the unprecedented torrential rains and floods that occurred on 01.12.2015 and 02.12.2015 in Chennai, the vehicle which was parked in front of the said travel office was completely submerged in flood waters and sustained total damage.

3. It is the further case that the vehicle was duly insured with the respondent Insurance Company under Policy No. 412000/31/2015/8589 and the policy was valid from 21.12.2014 to 20.12.2015. Thus, it is the contention of the petitioner that on the date of the occurrence of the flood damage, the insurance policy was in force. However, despite the same, the respondent Insurance Company failed to settle the claim submitted by the petitioner.

4. Aggrieved by the inaction of the Insurance Company, the petitioner approached the Insurance Ombudsman, Chennai. Subsequently, the Insurance Ombudsman, by Award No.IO/CHEN/A/GI/0075 dated 13.07.2018, directed the respondent Insurance Company to reassess the loss, settle the claim as per the revised assessment and also pay interest under Rule 17(7) of the Insurance Ombudsman Rules, 2017, without making deductions on account of aggravated damages caused due to delay. According to the petitioner, even after the said award was passed, the respondent Insurance Company did not reassess the claim nor settle the same. Thereafter, the petitioner approached the District

Consumer Disputes Redressal Commission, Chennai (North) by filing C.C. No.6 of 2023. However, the said complaint came to be dismissed on technical grounds relating to maintainability under the Consumer Protection Act, 2019.

5. It is the further case of the petitioner that thereafter she submitted a detailed representation dated 22.09.2025 requesting the respondent to comply with the award passed by the Insurance Ombudsman. However, the respondent has not taken any action. According to her, under Rule 17(6) of the Insurance Ombudsman Rules, 2017, the insurer is required to comply with the award within thirty days from the date of receipt of the award. Since the award passed by the Insurance Ombudsman has not been implemented till date, the petitioner has filed the present writ petition. The petitioner has filed the present writ petition seeking a direction to the respondents to implement the award passed by the Insurance Ombudsman, Chennai in Award No. IO/CHEN/A/GI/0075 dated 13.07.2018.

6. Learned counsel for the petitioner submitted that the Insurance Ombudsman had already adjudicated the issue and passed a categorical award directing the respondent Insurance Company to reassess the loss and settle the claim along with interest. Despite the statutory mandate under Rule 17(6) of the Insurance Ombudsman Rules, 2017, the respondent has not complied with the award. He further submitted that the petitioner had also approached the Consumer Commission, however the complaint was dismissed on technical

grounds and therefore the petitioner is left with no other efficacious remedy except approaching this Court under Article 226 of the Constitution of India. Hence, he prayed before this Court seeking a direction to the respondent to implement the award of the Insurance Ombudsman dated 13.07.2018 within a time frame.

7. Per contra, learned counsel appearing for the respondent Insurance Company initially sought time to get instructions. . However, he submitted that it is not in dispute that the Insurance Ombudsman had passed an award on 13.07.2018 directing reassessment of the loss and settlement of the claim. Therefore, this Court may issue suitable directions in the above regard.

8. This Court has considered the submissions made by learned counsel on either side and perused the materials available on record.

9. It is seen that the Insurance Ombudsman, Chennai, by Award No. IO/CHEN/A/GI/0075 dated 13.07.2018, had directed the respondent Insurance Company to reassess the loss and settle the claim as per the revised assessment along with interest as provided under Rule 17(7) of the Insurance Ombudsman Rules, 2017. As per Rule 17(6) of the said Rules, the insurer is required to comply with the award within thirty days from the date of receipt of the award.

10. In the present case, despite the award having been passed as early as on 13.07.2018, the respondent Insurance Company has not complied with the same till date. Therefore, considering the limited prayer sought for by the petitioner,

this Court is inclined to issue a direction to the respondent to consider the petitioner's representation dated 22.09.2025 and implement the award passed by the Insurance Ombudsman.

11. Accordingly, this writ petition is disposed of with a direction to the respondent Insurance Company to consider the petitioner’s representation dated 22.09.2025 and implement the award passed by the Insurance Ombudsman, Chennai in Award No. IO/CHEN/A/GI/0075 dated 13.07.2018, if not already implemented, and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. No costs.

11.03.2026

Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To :
M/s. Oriental Insurance Company Ltd.,
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M. DHANDAPANI, J.

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