



W.A(MD)No.407 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A(MD)No.407 of 2026

S.S.Vijay Rajesh

... Appellant/Writ Petitioner

vs.

**1. The Insurance Ombudsman,
For the State Tamil Nadu and Puducherry,
4th Floor, Anna Salai,
Teynampet, Chennai 600 018**

**2. The Manager,
Claims Department, Regional Office,
SBI General Insurance Company Limited,
3rd Floor, Good Shepherd Square, A Block,
Kodambakkam High Road,
Chennai-600 034.**

... Respondents/Respondents

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 18.11.2025 made in W.P(MD)No.25560 of 2023.



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For Appellant

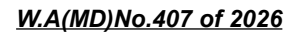
: Mr.R.Velmurugan

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the learned Single Judge dismissing the writ petition in W.P.(MD) No.25560 of 2023 dated 18.11.2025, the present writ appeal has been filed.

2. The appellant/writ petitioner filed the writ petition seeking to quash the order of the first respondent dated 31.05.2023, whereby the petitioner's claim for personal accident insurance amounting to Rs.20,00,000/- was rejected. The writ petitioner is the son of the deceased, one V. Shantha. According to him, his mother was covered under a Personal Accident Insurance Policy bearing No. 31016502, valid up to 24.10.2023. On 31.10.2022, she allegedly suffered an accidental slip and fall in the bathroom of her residence, resulting in head injury and bodily trauma, and was admitted to Velammal Medical College Hospital and Research Institute. Later, she succumbed to the injuries. It is further stated that



3. The claim was repudiated on the ground that the insured died due to natural causes, namely acute pulmonary edema and heart failure. Thereafter, the petitioner lodged a complaint before the Insurance Ombudsman, which also came to be rejected by an award dated 31.05.2023. Challenging the same, the writ petition was filed.

4. The learned Single Judge, on a perusal of the medical records, found that the records only indicated the nature of death and that there was no conclusive evidence to establish that the death was accidental in nature. Accordingly, the writ petition was dismissed.

5. We have heard both sides and perused the materials available on record.



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6. Though it is contended that the insured was continuously taking treatment and that her death occurred only due to the accidental trauma suffered in the fall, we are of the view that when the medical records indicate otherwise, it is for the appellant to establish, by proper evidence, that the death was caused by an accident. Such an exercise can only be undertaken in appropriate proceedings and not in a writ petition. If the petitioner intends to establish the same, he ought to have filed a civil suit or a complaint before the Consumer Forum. In a writ petition, such compensation cannot be granted when disputed questions of fact are involved.

7. We find no merit in the writ appeal and, accordingly, the writ appeal stands dismissed. However, liberty is granted to the petitioner to file an appropriate suit or a complaint before the Consumer Forum, in accordance with law, and establish his case. No costs.

8. The period spent in prosecuting the writ petition as well as the present writ appeal shall be excluded for the purpose of limitation, including the period



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before the Insurance Ombudsman, in the event of the petitioner filing any complaint before the Consumer Forum.

[N.S.K.,J.] [M.J.R.,J.]
26.03.2026

NCC : Yes / No
Index : Yes / No
am



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N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN,J.

am

ORDER MADE IN
W.A(MD)No.407 of 2026

DATED : 26.03.2026