

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 10TH DAY OF JUNE 2015/20TH JYAISHTA, 1937

WP(C).No. 16383 of 2012 (W)

PETITIONER(S):

- 1. STHUTHY S.P., AGED 25 YEARS,
W/O.LATE SHINOJ SHALAN, SAKTHIMANGALATH HOUSE,
UDAYAMPEROOR, NADAKKAVU. P.O., VIA. THIRIPUNITHURA,
ERNAKULAM DISTRICT, PIN-682 307.**
- 2. SAMVEDYA. S.,
D/O.LATE SHINOJ SHALAN, AGED 8 MONTHS,
REPRESENTED BY NATURAL GUARDIAN, MOTHER STHUTHY. S.P.,
SAKTHIMANGALATH HOUSE, UDAYAMPEROOR, NADAKKAVU. P.O.,
VIA. THIRIPUNITHURA, ERNAKULAM DISTRICT, PIN-682 307.**

**BY ADVS.SRI.BENNY VARGHESE,
SRI.SHAJI THANKAPPAN.**

RESPONDENT(S):

- 1. L.I.C. OF INDIA,
REPRESENTED BY THE SENIOR MANAGER,
COCHIN BRANCH, EDATHIL BUILDING,
THOPPUMPADY, KOCHI-682 005,
ERNAKULAM DISTRICT.**
- 2. SOBHANA, W/O.SHALAN,
AGED 50 YEARS, PUTHUKKUDI PARAMBU,
PONNARIMANGALAM, MULAVUKADU. P.O.,
PIN-682 504, ERNAKULAM DISTRICT.**

**R1 BY ADV. SRI.S.EASWARAN, SC.
R2 BY ADV. SRI.M.N.MANOJ.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 10-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE LIFE INSURANCE POLICY CERTIFICATE ISSUED BY THE 1ST RESPONDENT.
- EXT.P2 COPY OF THE CERTIFICATE OF MARRIAGE ISSUED BY THE OFFICE OF THE REGISTRAR OF MARRIAGE DATED 28/12/2010.
- EXT.P3 COPY OF THE DEATH CERTIFICATE ISSUED BY THE REGISTRAR OF BIRTH AND DEATH MULAVUKAD PANCHAYATH.
- EXT.P4 COPY OF THE REPRESENTATION SUBMITTED BEFORE THE 1ST RESPONDENT.
- EXT.P5 COPY OF THE REPLY DATED 04/07/2012 SENT BY THE 1ST RESPONDENT.
- EXT.P6 COPY OF THE REPRESENTATION SUBMITTED ON 04/07/2012 BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXT.P7 COPY OF THE ORDER PASSED BY THE HONOURABLE III ADDITIONAL SUB COURT, ERNAKULAM IN S.O.P.34/2012.
- EXT.P8 COPY OF THE DEPOSIT RECEIPT ISSUED BY THE STATE BANK OF TRAVANCORE, THRIPIKUTHURAM BRANCH IN THE NAME OF THE 2ND PETITIONER.
- EXT.P9 COPY OF THE CERTIFICATE ISSUED BY THE HONOURABLE SUB COURT IN FAVOUR OF THE PETITIONERS AUTHORIZING THE 1ST PETITIONER TO COLLECT THE AMOUNT OF Rs.2,36,667/-.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

W.P(C). No.16383 of 2012

Dated this the 10th day of June, 2015.

JUDGMENT

The petitioners are the wife and daughter of one Shinoj Shalan, who claimed 2/3rd of the amounts due under the life insurance policy with the 1st respondent on the death of the husband of the 1st petitioner. The 2nd respondent is the mother of the deceased, who has chosen not to appear despite notice having been sent and received.

2. The petitioners' grievance was that, the policy was taken before the marriage and the 2nd respondent, the mother, was shown as the nominee, which the deceased had not changed in his lifetime. The petitioners have now obtained the Succession Certificate, which is produced as Ext.P9, wherein 2/3rd of the amounts are said to be the absolute right of the petitioners herein.

In such circumstances, the 1st respondent would have to disburse amounts due in compliance with the Succession Certificate issued at Ext.P9. The amounts due shall be paid within two months from the date of an application made along with the certified copy of the Succession Certificate.

The writ petition is allowed. No costs.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp