

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.8704 of 2015 & MP.No.1/2015

T.Shanmugasundaram

...Petitioner

Versus

1. The Chief Manager
LIC of India, Avinashi
Road Branch, Avinashi Road,
PB No.3805, United Building,
Coimbatore 641018.
2. The Divisional Manager
LIC of India, Divisional Office
India Life Building, PB No.3810
Trichy Road, Coimbatore 641018.
3. The Zonal Officer
LIC of India, South Zone,
LIC Building, Anna Salai
Chennai 600 002.
4. T.Palaniammal
5. T.Ramakrishnan
6. Rajeswari

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents 1 to 3 not to proceed further in dispersing the maturity amount irrespective of the LIC Policy bearing No.762342135.

For Petitioner : Mr.R.Chithiraputhiran

ORDER

Heard Mr.R.Chithiraputhiran, learned counsel for the petitioner and the writ petition itself is disposed of at the admission stage itself without notice to the respondents since the allegations made

by the petitioner as against the respondents are not gone into and the notice to the respondents is dispensed with.

2.The petitioner has filed this writ petition seeking for issuance of a writ of mandamus to direct the respondents 1 to 3 not to disburse the maturity amount in respect of the Policy bearing No.762342135.

3.The petitioner is said to have availed Life Insurance Policy from the respondent/Insurance Company. It is stated that as per the terms and conditions of the policy, the life assured is entitled to give a Conditional Assignment of the policy in favour of a particular person. The petitioner is said to have given a Conditional Assignment in favour of his father Tiru P.Thangaraj, by virtue of which, his father would be entitled to the benefits of the policy during his life time. The petitioner would state that after his life time, the Conditional Assignment automatically gets terminated and the petitioner, the life assured, is entitled to the benefits of the policy. The petitioner's father died on 26.08.2011 and now the petitioner apprehends that the Life Insurance Corporation will disburse the benefits to all the legal heirs stating that it is not a Conditional Assignment.

4.It is to be noted that the petitioner has already moved the Civil Court and filed a suit in OS.No.270/2013 on the file of the District Munsif Court, Coimbatore, in which the defendants 1 and 2 are the petitioner's sister and his brothers. The 3rd defendant is the LIC Agent and the 4th defendant is the Senior Branch manager of the Avinashi Road Branch of the respondent/Insurance Company. In the plaint, the petitioner has made certain allegations against the officials of the Insurance company. The suit is pending as on date and there are no interim orders. Now the petitioner has filed this writ petition stating that the policy is to mature on 28.03.2015 and he apprehends that the maturity amount would be disbursed by the Life Insurance Corporation. Since the issue as to whether the assignment granted by the petitioner to his father [Late] P.Thangaraj, is a Conditional Assignment or an Absolute Assignment, the same has to be decided by the Civil Court. The petitioner, in the suit, has prayed for a declaration to declare that the said insurance policy said to have assigned in favour of the 1st defendant by the plaintiff is null and void and for a declaration to declare that the plaintiff is a true policy holder in respect of the said policy after the demise of his father [Late] P.Thangaraj and for a permanent injunction to restrain the defendants from dealing further with regard to the policy either by surrender or in any other mode.

5. When the petitioner has sought for these reliefs before the Civil Court, the question of granting the relief in this writ petition, which would, in effect, be an interim relief pending disposal of the suit, does not arise. Therefore, no direction, as sought for by the petitioner, can be issued to the respondent to consider his representation, in the light of the fact that the comprehensive suit filed by the petitioner is pending before the Civil Court.

6. In the light of the above discussion, the relief sought for by the petitioner cannot be granted and the writ petition is dismissed. No costs.

7. However, this will not prevent the petitioner from moving the civil court for appropriate relief including filing of an Interlocutory Application, if he is so advised. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

AP Sub Assistant Registrar

To

1. The Chief Manager
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LIC Building, Anna Salai, Chennai 600 002.

+1cc to Mr.P.Chitiraputhiran, Advocate, S.R.No.17112

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AD(CO)
CA(27/03/2015)