

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-

WRIT PETITION No.19796 OF 2012

-

ORDER:

The present Writ Petition came to be filed seeking issuance of a writ of *mandamus* declaring the action of respondent in not giving insurance amount of Rs.3,00,000/- covered under LIC policy Nos.684043192, 685565743, 684032044 and 684017108 to the petitioner as illegal and arbitrary and direct the respondent to give LIC policies' amounts to the nominee i.e., petitioner herein.

2. The averments in the affidavit filed in support of the petition show that the petitioner claiming herself to be the legal heir of one Dasari Chandraiah, who was working as General Mazdoor in Singareni Collieries and died on 23.06.2011 in a road accident, made an application for release of the amounts covered under four policies referred to above. Inaction of the respondents to give the amounts covered under policies is being challenged in this writ petition.

3. A counter came to be filed by the respondent stating that the adopted son of first wife of the deceased Chandraiah filed a suit vide O.S.No.230 of 2011 claiming the policy amount. It is further stated that the deceased was having two wives and both of them are claiming the money covered under the policies. In view of the pendency of the suit and the claims made, it is stated money could not be disbursed to any of the parties.

4. At the time when the matter is taken up for hearing, it is brought to the notice of the Court that O.S.No.230 of 2011, which was filed by the adopted son of the first wife of deceased Chandraiah, was dismissed for default and an application is filed for restoration of the suit. Therefore, the question of releasing the

amounts, at this stage, would not arise.

5. Hence, the Writ Petition is disposed of leaving it open to the petitioner to make an application at appropriate stage, more particularly after the finality of the proceedings in O.S.No.230 of 2011. Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:24.11.2015

INL