

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.14258 of 2001

Date: 12-3-2015

Between

Y.Anupama Devi

... Petitioner

and

The Chairman & MD,
Singareni Collieries Co. Ltd.,
Kothagudem, Khammam district;
and 4 others

... Respondents

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Order:

Heard Sri K.Umapathy, learned counsel appearing for the petitioner,
Sri K.Srinivasa Murthy, learned Standing Counsel for the

respondents 1 to 3-Singareni Collieries Company Limited, Sri P.Vinod Kumar, learned counsel appearing for the 4th respondent and Sri Y.V.Ravi Prasad, learned counsel appearing for the 5th respondent.

2. This writ petition is filed by the petitioner seeking a direction to the respondents 1 to 3-SCCL to forthwith release benefits/claims pertaining to the petitioner's husband Dr. B.Murali Krishna, who worked as Medical Officer in Singareni Collieries Company Limited and died on 27-7-2000. The petitioner mentioned in the writ petition that prior to her marriage with Dr. Murali Krishna, he married Dr. Aruna who gave birth to the 5th respondent through him in the year 1998. Dr. Aruna died in 1989 due to brain tumour. The 4th respondent, mother of Dr. Murali Krishna, is also alive. Subsequent to filing of the writ petition, the respondents 4 and 5 were brought on record under two separate applications filed by them. The respondents also admitted the relationship which is mentioned above. Therefore, there is no dispute about the relationship of the parties.

3. The respondents 1 to 3-SCCL contended in their counter that as there are rival claims between the legal heirs, they directed the petitioner to obtain a Succession Certificate from competent Civil Court and without the said Certificate, it is not possible for them to decide the issue of death benefits of the deceased employee Dr. Murali Krishna. The respondents 1 to 3 also mentioned in the counter that there was no nomination made by Dr. Murali Krishna in anybody's favour and the 4th respondent, mother of late Dr. Murali Krishna, obtained a Certificate dated 28-6-2001 from the Mandal Revenue Officer, Bellampally, which shows that the dependants of Dr. Murali Krishna are the respondents 4 and 5. Whereas the contention of the petitioner is that in all the relevant

forms, Dr. Murali Krishna had shown the petitioner as his nominee and therefore, she is entitled for the death benefits of Dr. Murali Krishna.

4. The learned counsel appearing for the 5th respondent relied on the judgments viz., **VISHIN N.KHANCHANDANI v. VIDYA LACHMANDAS KHANCHANDANI, SHIPRA SENGUPTA v. MRIDUL SENGUPTA, CHALLAMMA v. TILAGA** and **SMT. SARBATI DEVI v. SMT. USHA DEVI**. In all the afore cited judgments, it has been categorically held by the Supreme Court that the nominee under the provisions of the Insurance Act or in the National Savings Certificates does not automatically become entitled to the benefit under the Certificate and the nomination does not confer any beneficial interest in the amount payable on the nominee under the Insurance Policy or National Savings Certificate and the nominee is authorised to receive the amount on behalf of the persons who are entitled. It is clarified in the above judgments that the nomination made in favour of a particular person does not have the effect of conferring on the nominee any beneficial interest in the property after the death of the persons concerned and the benefit can be claimed by the heirs of the deceased in accordance with the law of succession governing the deceased.

5. In the instant case, the respondents 1 to 3 contended that as there are rival claims they have been insisting upon production of the Succession Certificate by the petitioner. As to this, it requires to be mentioned that there is dispute about the relationship of the petitioner, the 4th respondent and the 5th respondent with the deceased. This writ petition is filed in the year 2001. Therefore, at this stage if the petitioner is driven to the competent Civil Court to obtain a Succession Certificate it causes undue hardship and lot of

inconvenience to the petitioner.

The said course would even deprive the petitioner and the respondents 4 and 5 to receive the death benefits of the deceased if they are entitled for the said benefits according to law of succession governing them. As the relationship is not disputed by any of the parties, this Court is of the view that directing the parties to obtain the Succession Certificate is absolutely unnecessary. The petitioners are Hindus and they are governed by the Hindu Succession Act.

6. Therefore, the respondents 1 to 3-SCCL are directed to decide the issue of the entitlement of the petitioner/ 4th respondent/5th respondent for the death benefits of deceased Dr. Murali Krishna in accordance with the Pension Rules governing the employees of Singareni Collieries Company Limited within a period of two months from the date of receipt of a copy of this order. If there is any agreement between the parties to receive the death benefits, the death benefits shall be distributed among them in accordance with the agreement arrived at between the parties. In the absence of any such agreement their entitlement is to be decided by the respondents 1 to 3 in accordance with the Pension Rules governing the employees of Singareni Collieries Company Limited in consonance with the rules of succession governing the parties and shall be paid to them.

7. With the above directions, the writ petition is disposed of. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

12th March, 2015.

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