

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.13300 of 2007

ORDER:

This writ petition is filed by the petitioners seeking to issue a writ of mandamus declaring the action of the respondent in insisting to produce the succession certificate for disbursing the personal accident claim of Rs.2,00,000/- as illegal and arbitrary and consequently to direct the respondent to disburse the amount to the petitioners without insisting upon the succession certificate.

First petitioner is the wife and petitioners 2 and 3 are the children of deceased K.Sree Ramulu, who died in a car accident on 01.3.2004, who is having a personal insurance policy with the respondent-Insurance company. The petitioners along with father of the deceased approached the respondent for settlement of personal accident claim under the policy covered by the deceased by producing the required documents along with certificate issued by the Mandal Revenue Officer. The respondent refused to accept the claim of the petitioners and insisted them to produce the succession certificate to establish that they are the legal heirs of deceased K.Sree Ramulu. It is an admitted fact that the vehicle met in the accident stands in the name of deceased and that he was the policy holder. The contention of the learned standing counsel for the respondent is that at the time of production of documents, the name of the father of the deceased was also mentioned, but whereas, in the legal certificate produced by them, they could not able to substantiate as to who are the legal heirs to receive the compensation and therefore, the insurance company insisted the petitioners to produce the succession certificate.

When the matter is posted for hearing today, the learned counsel for the petitioners submitted before this Court that the petitioners filed another claim petition being O.P.No.269 of 2007 before the Additional chairman Accidents Claims Tribunal-cum-XX

Additional Chief Judge, City Civil Court at Secunderabad against the owner of the lorry involved in the accident and its insurer wherein they also added the father-in-law of the first petitioner (father of the deceased) as a claimant and the Court passed an award in favour of the petitioners therein. It is submitted that the objection of the respondent for production of succession certificate arises only when there is a dispute between the legal heirs or there is a rival claim by the parties concerned.

On perusal of the entire record and the order passed in O.P.No.269 of 2007 dated 2.6.2010, it is evident that there is no dispute between the legal heirs of the deceased or there is any rival claim among them. In the circumstances, this Court is inclined to dispose of the writ petition with the following direction.

The respondent-insurance company is directed to pass appropriate orders duly settling the personal accident claim made by the petitioners without insisting them for production of succession certificate considering the orders passed in O.P.No.269 of 2007 dated 2.6.2010 and also the fact that there is no dispute between the parties more particularly the petitioners and the father of the deceased, who also filed an affidavit before this Court that he is authorizing the first petitioner to receive the claim on behalf of him also. Since the respondent rejected the claim of the petitioners in the year 2005, the petitioners are entitled for interest at the rate of 5% on the claim made by them.

The writ petition is accordingly disposed of. No costs.

Consequently, the miscellaneous petitions, if any shall also stand disposed of.

RAJA ELANGO, J.

Date.09.02.2015

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