

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO. 8708 OF 2011

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ORDER:

The petitioner was the husband of one Smt. R. Durga Bai, Higher Grade Assistant of Life Insurance Corporation of India, the first respondent herein. Most tragically, Smt. Durga Bai was brutally murdered on 23.09.2000 at her house. At that time she was working at City Branch-I at Vijayawada. At the time of her death, she had a minor son by name Sri Chandra Sriram. The petitioner herein was suspected to have killed her and he was shown as the principal accused in the sessions case for trial of the murder of Smt. Durga Bai. He was accordingly prosecuted and a learned Sessions Judge at Vijayawada who tried S.C.No.133 of 2001 convicted the petitioner herein and sentenced him to undergo life imprisonment after considering the material on record. He preferred an appeal to this Court in CrI.A.No.913 of 2003 and this Court by its judgment dated 12.12.2005 has acquitted him, according to the learned counsel for the petitioner, by extending the benefit of doubt, inasmuch as, copy of the judgment rendered by this Court in CrI.A.No.913 of 2003 has not been made part of this paper book in this writ petition.

It appears, the petitioner has also moved a Guardian & Wards O.P.No.421 of 2003 for custody of his minor son and in an interlocutory order passed therein in I.A.No.942 of 2006, the Court appointed the senior maternal aunt of the child as guardian for the minor child. It appears, the Life Insurance Corporation of India has settled the benefits payable due to the pre-mature death of their employee Smt. Durga Bai in favour of Smt. N. Leela Bai, the Court appointed guardian of the minor son of Smt. Durga Bai, for his benefit. Now, the petitioner seeks of apportionment of the funds so settled, so that, he can utilize his share being the legal heir of the deceased Smt. Durga Bai.

I am afraid, this writ petition is not the appropriate of the remedies to be availed of by the petitioner. If the Life Insurance Corporation of India has already settled all the terminal benefits payable on account of pre-mature death of Smt. Durga Bai, their employee, and the same were also paid to the extent of minor's share and the said amount is being monitored by the Court, where the O.P. is pending, it is only appropriate for the petitioner to take remedial measures for getting himself declared

as a legal heir of the deceased Smt. Durga Bai. Notwithstanding the suspicion entertained by the prosecution which found favour with the Sessions Court at the initial stage, that he is the one who has committed the murder of Smt. Durga Bai, the Court concerned will deal with the request of the petitioner appropriately and based thereon, he can make a legitimate claim for payment of his share of the benefits. But not otherwise.

Writ petition is disposed of. Consequently, miscellaneous applications if any pending shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

22.04.2015

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