

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.36328 of 2012

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18.06.2015

Between:

Gone Kistaiah

...Petitioner

And

Primary Agricultural Cooperative Credit Society,

Nizamabad and another

...Respondents

Counsel for the petitioner: None appeared

Counsel for the respondents: Mr.T.Durga Reddy

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The Court made the following:

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ORDER:

This writ petition is filed for a *mandamus* to declare the action of the respondents in not paying insurance amount pertaining to the petitioner's late son viz., Gone Sakkaram to the petitioner as illegal and arbitrary.

At the hearing, there is no representation for the petitioner. I have heard Mr.T.Durga Reddy, learned counsel for the respondents and perused the record.

The petitioner pleaded that his son Sakkaram was unmarried and on 24.10.2010, he has suffered snake bite at agricultural fields and succumbed to the same at Gandhi Hospital, Secunderabad, on 30.10.2011; that as the deceased was a member of respondent No.1 society, he was covered by insurance and that as the petitioner is his nominee, he is entitled to the payment of insurance amount. The petitioner further averred that he came to know that one Maddela Balamani, who

was no way related to the petitioner's family, obtained family members certificate on 08.02.2012 by influencing the Tahsildar, wherein she was shown as the wife of petitioner's son along with two daughters and the petitioner. The petitioner asserted that his son was unmarried and no way related to said M.Balamani. The petitioner further averred that against the said woman, he filed a civil suit before the Junior Civil Judge, Yellareddy to declare him as the legal heir and successor of late Sakkaram and that when the said suit is pending, respondent No.1 has received a cheque of Rs.1,00,000/- pertaining to the insurance amount. As the petitioner was not paid the said sum, he filed W.P.No.26216 of 2012, which was dismissed by this Court with liberty to the petitioner to avail alternative remedy by approaching the Human Rights Commission. That accordingly, the petitioner approached the Human Rights Commission and as the said Commission kept the matter pending and the respondents are likely to issue cheque to the aforesaid third party, he filed this writ petition.

At the hearing, Mr.T.Durga Reddy, learned counsel for the respondents, placed before the Court, order, dated 24.08.2012 in W.P.No.26216 of 2012, wherein this Court after extracting the prayer in the writ petition passed the following order:

“After arguing the case, Mr.M.Bhushan Reddy, learned counsel for the petitioner sought for permission of the Court to withdraw the writ petition with liberty to his client to avail other remedies available under law.

Accordingly, the Writ Petition is dismissed as withdrawn with liberty in terms of the prayer made.”

Within four months after dismissal of the said writ petition, the petitioner filed the present writ petition. A comparison of the reliefs claimed in both the writ petitions reveals that they are *ipsissima verba* with each other. The averment in the affidavit of the petitioner that this Court permitted him to approach the Human Rights Commission does not reflect the true position as no specific *forum* was indicated by this Court, while dismissing W.P.No.26216 of 2012. Indeed, as there is a rival claim with respect to the entitlement of the insurance amount between M.Balamani and the petitioner, civil suit has already been filed by the petitioner as evident from his own averments in the writ petition. Instead of pursuing the said civil suit, the petitioner has been repeatedly approaching this Court by way of writ petitions besides

approaching Human Rights Commission. In the light of these facts, I am of the opinion that this writ petition is a vexatious piece of litigation, which cannot be entertained in the face of order, dated 24.08.2012, in W.P.No.26216 of 2012.

For the aforementioned reasons, the Writ Petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.46143 of 2012 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

18th June, 2015

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