

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.4775/2016

Smt. Sudha wd/o Vijaykumar Shobhane and another

...Versus...

The Insurance Regulatory and Development Authority of India, Mumbai and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Ritesh Badhe, Advocate for respondent no.1
Shri P.N. Kothari, Advocate for respondent nos.2 and 3

**CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : 14.12.2016

By this petition, the petitioners have made two prayers, which read thus :-

“(1) Direct the respondent no.2 The Senior Divisional Manager, Life Insurance Corporation, L.I.C. Building near Kasturchand Park, Civil Lines Nagpur to pay the petitioners of agent claim of (deceased) agent Mr. Vijaykumar R. Shobhane alongwith club member claim and group insurance claim i.e. Rs.10,00,000/- (Rs. Ten Lack Only) immediately, in Policy No.707000232 alongwith Gratuity.

(2) Direct the Respondent no.4 The Development Officer, Mr. Tejindersingh Oberai, Branch 972, Oriental Building, LIC Square Civil Lines, Nagpur to pay the compensation of Rs.5,00,000/- for continuous harassment of lonely lady.”

By this writ petition, the petitioners are seeking the relief for grant of Agents-claim after the death of L.I.C. agent, Shri Vijaykumar Shobhane, having L.I.C. Agent Code No.03321.

The petitioner no.1 is the widow of Shri Vijaykumar Shobhane and the petitioner no.2 is the minor son of the deceased. According to the petitioners, though the petitioner no.1 was entitled to receive the Agents-claim and had applied for the same, the respondents have not taken any action on the application of the petitioner. It is stated that the petitioners are in deep financial crisis and the respondents are not releasing the Agents-claim in favour of the petitioners.

It is submitted on behalf of the respondents that the services of Shri Vijaykumar Shobhane as a L.I.C. agent were terminated on 1.11.2015 as he was not in a position to serve the respondents, due to his ailments. It is stated that in view of the termination of the services of Shri Vijaykumar Shobhane as a L.I.C. agent, the petitioners would not be entitled to any Agents-claim. It is stated that Shri Vijaykumar Shobhane was not entitled to gratuity as he has not completed 15 years of service. It is stated that Shri Vijaykumar Shobhane was appointed as an agent in the year 2003 and his services as an agent were terminated in the

year 2015. It is stated that the petitioners would not be entitled to the relief claimed, much less, in exercise of the writ jurisdiction.

On a reading of the writ petition and on hearing the learned Counsel for the respondents, it appears that several disputed questions of facts arise in this writ petition. It is the case of the respondents that Shri Vijaykumar Shobhane was appointed as a L.I.C. agent in the year 2003 and his services as an agent were terminated in the year 2015. The respondents have seriously disputed the claim of the petitioners for grant of Agents-claim as well as gratuity. In view of the disputed questions of facts, it would not be proper to decide the issues involved in this writ petition, in exercise of the writ jurisdiction. The petitioners may take up appropriate proceedings, if so advised.

The writ petition is disposed of with no order as to costs. The points raised in the petition are kept open.

JUDGE

JUDGE

Wadkar