



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 09.06.2016

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THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P (MD) No. 17984 of 2016

V. Rengammal

..Petitioner

Vs

1, The Manager,
Life Insurance Corporation,
S.S.S. Department, Divisional Office No.1,
LIC Building 4th Floor,
Anna Salai,
Chennai-2.

2. Durgadevi

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to consider the claim application filed by the Petitioner, dated 8.3.2013 for Policy Nos. 756615211, 751587342 and 753601560, on the file of the first respondent.

For Petitioner : No appearance

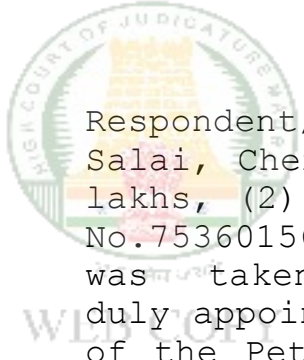
For Respondent-1 : Mr. Anwar Sameem
for Mr. G. R. Swaminathan

For Respondent-2 : M/s. Porkodi Karnan

ORDER

The Petitioner has preferred the present Writ Petition praying for passing of an order by this Court in directing the First Respondent/The Manager, Life Insurance Corporation of India, Chennai-2 to consider her claim application, dated 8.3.2013, in respect of Policy Nos. 756615211, 751587342 and 753601560.

2. The case of the Petitioner is that the Second Respondent, her Daughter-in-Law got married with her son Chinnadurai on 6.6.2012. At the time of marriage, the Petitioner's son was serving as Grade-I Police Constable in 'Q' Branch Police in Chennai. He took three Insurance Policies from the First



Respondent/The Manager, Life Insurance Corporation of India, Anna Salai, Chennai -2 vide (1) Policy No.756615211, for a sum of Rs.5 lakhs, (2) Policy No.751587342, for a sum of 1 lakh and (3) Policy No.753601560, for a sum of Rs.1,50,000/-. Inasmuch as the policy was taken prior to the Petitioner's son's marriage, her son duly appointed her as nominee of the aforesaid policies. The stand of the Petitioner is that her son unfortunately in the course of employment expired due to road traffic accident on 2.9.2015. The Second Respondent/Daughter-in-Law, at the time of death of Petitioner's son, was pregnant and later, she gave birth to two girl children on 12.1.2013. The plea taken on behalf of the Petitioner is that the second respondent/daughter-in-law when she came to know about the policy details and the Petitioner's application with the First Respondent/The Manager, Life Insurance Corporation, Anna Salai, Chennai-2 objected for the release of the policy amount and also filed a civil suit in O.S.No.177 of 2013, on the file of the learned District Munsif, Pudukkottai seeking the relief of partition of 3/4th share in the aforesaid policies. It appears that the Second Respondent claims the entire policy amount to herself only.

3. It comes to be known that the suit in O.S.No.177 of 2013 is pending on the file of the trial Court. The Petitioner on 9.3.2013 submitted a claim application before the First Respondent/The Manager, Life Insurance Corporation of India, Anna Salai, Chennai-2 and the same is not yet disposed of by the First Respondent.

4. In view of the fact that the Petitioner's claim petition, dated 9.3.2013 is pending on the file of the First Respondent and also this Court taking note of the pivotal fact that a suit in O.S.No.177 of 2013 is pending on the file of the learned District Munsif, Pudukkottai, at this stage, this Court, without expressing any opinion or touching upon the merits of the contents of the claim petition of the Petitioner and also the suit in O.S.No.177 of 2013, to prevent aberration of justice and to promote substantial cause of justice, directs the First Respondent/The Manager, Life Insurance Corporation, Anna Salai, Chennai-2 to seriously consider the representation of the Petitioner, dated 9.3.2013 with all earnestness within a period of four weeks from the date of receipt of a copy of this order. It is needless for this Court to make a significant mention that at the time of disposing of the representation of the Petitioner, dated 9.3.2013, the First Respondent/The Manager, Life Insurance Corporation of India, Anna Salai, Chennai-2 shall provide necessary/adequate opportunity to the Petitioner as well as to the Second Respondent/Daughter-in-Law and others concerned. A reasonable opportunity of hearing in person also by adhering to the principles of natural justice in true letter and spirit)



5. With the aforesaid observations and directions, the Writ Petition stands disposed of. No costs.

/Sd
Assistant Registrar (W)

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/True copy/

Sub Assistant Registrar

To

The Manager,
Life Insurance Corporation,
S.S.S. Department, Divisional Office No.1,
LIC Building 4th Floor,
Anna Salai, Chennai-2.

+1cc to M/s.G.R.Swaminathan, Advocate in SR.No.29615

+1cc to M/s.Porkodi Karnan in SR.No.29560

SDR/SKS-RR/16.06.2016/3P/4C

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