

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.37062 of 2003

A.Vadivel

... Petitioner

vs.

1.The Life Insurance Corporation of India,
Rep. By its Senior Divisional Manager,
Divisional Office, "Jeevan Prakash"
Bridge Station Road, P.B.No.16, Sellur,
Madurai - 625 002.

2.The Branch Manager,
Life Insurance Corporation of India,
Karaikudi Branch, Karaikudi,
Sivagangai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Mandamus, to direct the respondents to forthwith pay the insurance amount under Policy No.740953028 (Policy of Late.Alagumeenal, wife of the petitioner) to the petitioner with interest at such rate as may be determined.

For Petitioner : Ms.K.Santhakumari
For RR1 and 2 : Mr.N.Vijayaraghavan

सत्यमेव जयते
O R D E R

The writ petition has been filed for issuance of a Mandamus, to direct the respondents to forthwith pay the insurance amount under Policy No.740953028 (Policy of Late.Alagumeenal, wife of the petitioner), to the petitioner with interest.

2.It is submitted by the learned counsel for the respondents that the petitioner is the nominee of the Policy and as per the Policy, the respondent Corporation cannot disburse the amount to the nominee, as there is a dispute between the father of the deceased and her sister's daughter, based on the alleged Will

and that the petitioner filed Succession O.P. By the judgment and decree dated 22.11.2001, the District Court, Sivaganga had confirmed the grant of Succession Certificate to the petitioner by the order in O.P.No.5 of 1997 passed by the learned Subordinate Judge, Sivaganga, subject to furnishing security of immovable property and that the rival claimants have not taken any steps.

3.Taking note of the submissions made by the learned counsel for the respondents and that there is no compliance of the judgment and decree passed by the District Court, Sivaganga by the respondents, and considering the fact that the petitioner is the nominee, this Court directs the respondents to disburse the amount to the petitioner. However, the petitioner being the nominee, who is holding money on properties on behalf of the legal heirs of the deceased, if any claim is made, it is open to the legal heirs to seek the relief against the petitioner and this will not preclude the respondents from disbursing the amount to the petitioner/nominee.

4.The writ petition is disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. Senior Divisional Manager,
The Life Insurance Corporation of India,
Divisional Office, "Jeevan Prakash"
Bridge Station Road, P.B.No.16, Sellur,
Madurai - 625 002.

2.The Branch Manager,
Life Insurance Corporation of India,
Karaikudi Branch, Karaikudi,
Sivagangai District.

+1cc to Mr.M.B.Gopalan, Advocate SR.No.50690

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MG (CO)
GN(09/08/2017)