

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.13394 of 2016

and

W.M.P.No.11744 & 11745 of 2016

P.Kumari

...Petitioner

-vs-

The Branch Manager,
Life Insurance Corporation of India,
Vellore Division,
" Jeevan Jyothi"
Polur Branch,
No.1/2A, Diversion Road,
Polur - 606 803,
Thiruvannamalai District.

.... Respondent

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the respondent in his proceedings No. Nil, dated 29.03.2016 and quash the same and consequently directing the respondent to disburse the petitioner's deceased brother Palani LIC Policy maturity amount to the tune of Rs.6,00,000/- to the petitioner.

For Petitioner:Mr.C.Prakasam

For Respondent:Mr.M.B.Raghavan

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O R D E R

The order passed by the respondent in proceedings dated 29.03.2016 in respect of the claim of insurance amount, is under challenge in the present writ petition.

2. The writ petitioner claims that she is the sole legal heir of her deceased brother Mr.Palani. The deceased brother of the writ petitioner was the policy holder of three policies and

the writ petitioner claims that the mother, who was the nominee in the policy, also died and therefore the writ petitioner is entitled to claim the policy amount from the respondent-Corporation.

3. The learned counsel for the writ petitioner states that the writ petitioner produced the legal heir certificate to the respondent along with the claim application. In spite of that the officials of the respondent directed the writ petitioner to submit the succession certificate, enabling them to consider the case of the writ petitioner for disbursement of the policy amount.

4. Mr.K.R.Vimal Chand, Branch Manager, LIC, Polur, Tiruvannamalai District present before this Court along with the files and assisted the learned counsel for the respondent. His further appearance is dispensed with.

5. The learned counsel, appearing on behalf of the respondent, brought to the notice of this Court that the mother of the deceased policy holder is the nominee and the nominee also expired. Thus, as per the Rules of the Corporation, the claimant should submit the succession certificate, enabling the respondent-Corporation to consider the case of the writ petitioner in accordance with the Rules and Regulations. In this regard, a communication was sent to the writ petitioner to produce the succession certificate. Instead of producing the succession certificate, the writ petitioner has chosen to file the present writ petition. Thus, the case of the writ petitioner can be considered only if the succession certificate is produced by the writ petitioner after getting the same from the Competent Court of Law.

6. This Court is of an opinion that the policy amount shall be disbursed only to the nominee as per the terms and conditions of the policy. In the absence of the nominee, then any other person can claim, provided if they produce all relevant certificates and the documents to establish that they are entitled for the policy amount.

7. In the present case on hand, the nominee also died. Thus, the respondent-Corporation is directed the writ petitioner to produce the succession certificate. The writ petitioner is not a Class I legal heir and therefore, she is bound to produce the succession certificate for the purpose of claiming the policy amount as per the terms and conditions. Thus, there is no infirmity in respect of the order passed by the respondent-Corporation. The writ petitioner has to submit the succession certificate duly granted by the Competent Court of Law. In the event of submission of the succession certificate, the case of

the writ petitioner shall be considered in accordance with the Rules and Regulations of the Corporation.

8. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

To

The Branch Manager,
Life Insurance Corporation of India,
Vellore Division,
" Jeevan Jyothi"
Polur Branch,
No.1/2A, Diversion Road,
Polur - 606 803,
Thiruvannamalai District.

+1cc to Mr.C.Prakasam, Advocate Sr.72345
+1cc to M/S.M.B.Gopalan Associates, Advocate Sr.72712

W.P.No.13394 of 2016

kk[co]
srg 12/11/2018

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