

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.04.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.4375 of 2014

and

M.P.No.1 of 2014

M.Sivagamasundari

.. Petitioner

Versus

1. The Branch Manager,
LIC of India,
City Branch 26,
No.140, Marshalls Road,
Egmore, Chennai - 600 008.

2. Manimegalai

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondent to settle the claim in respect of policy bearing No.714591802.

For Petitioner : Mr.S.Arivazhagan
For Respondents : No Appearance

ORDER

The relief sought for in this writ petition is to direct the respondent to settle the claim in respect of policy bearing No.714591802.

2. The writ petitioner married Mr.Jaishankar and out of the wedlock two children were born. Unfortunately, the husband of the writ petitioner passed away on 13.02.2013, leaving behind the writ petitioner/wife, son and daughter. On account of the sudden demise of the husband of the writ petitioner, the family was in penurious circumstances and was unable to meet out their day to day expenses. The writ petitioner claims that there is no other source of income to lead her life along with two children. The husband of the writ petitioner paid the premiums in respect of the policy bearing No.714591802 with the respondents. However, the respondents have not honoured the policy after the demise of the husband of the writ petitioner.

3. Thus, the writ petitioner is constrained to move the present writ petition for the payment of the policy amount, as per the condition of the policy. The letter sent by the Life Insurance Corporation of India, City Branch 26, No.140, Marshalls Road, Egmore, Chennai dated 31.01.2014 is enclosed in page No.4 of the typed set of papers filed along with the writ petition. The said letter reads as follows:-

This has reference to the above we wish to state that as a valid nomination exist in the above policy to the mother SMT.Manimegalai, we will be settling the claim to her. You may approach the appropriate forum for remedy with 15 days from date of receipt of this letter and get necessary orders to claim the amount.

If we are not receiving the necessary orders with the above stipulated period the claim amount will be settled the nominee SMT.Manimegalai without any notice. This is for your information.

4. The said letter states that the mother of the deceased SMT.Manimegalai was nominated for the purpose of receiving the policy amount, in the event of the death of the husband of the writ petitioner. It is further informed to the writ petitioner that the claim amount will be settled to the nominee without any notice and as per the conditions of the policy. Thus, if any dispute exist, it is left open to the writ petitioner to approach the appropriate forum.

5. However, no writ petition can be entertained in respect of such disputes in between the family members. However, the respondents have informed the writ petitioner that the policy claim amount will be settled as per the nomination and as per the terms and conditions. This being the factum of the case, no adjudication needs to be entertained in respect of the grounds raised in the writ petition.

6. Accordingly, the writ petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

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To

The Branch Manager,
LIC of India,
City Branch 26,
No.140, Marshalls Road,
Egmore, Chennai - 600 008.

+lcc to Mr.K.Balu, Advocate SR.No.28962
+lcc to Mr.S.Arivazhagan, Advocate SR.No.28612

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and
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SSV(CO)
GN(16/05/2018)



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