

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.23866 of 2013
and M.P.No.1 of 2013

M.Saraswathi

...Petitioner

Vs.

1. The Ombudsman,
Office of the Insurance Ombudsman,
Fatima Akhtar Court,
4th Floor, 453 (old 312), Anna Salai,
Teynampet,
Chennai - 600 018.
2. Manager / Claims
Life Insurance Corporation of India,
Chennai Divisional Office - I,
153-Annasalai, Chennai-2.
3. The Branch Manager,
Life Insurance Corporation of India,
City Branch 10,
Annasalai,
Chennai-02.
4. The Branch Manager,
Life Insurance Corporation of India,
14th Branch,
G.N.Chetty Road,
T-Nagar,
Chennai -17.
5. Lakshmi

सत्यमेव जयते

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents 1 to 4 here into issue the policy amount in policy bearing numbers: 713894397, dated 15.03.2004 for a sum of Rs.1,50,000/- and policy bearing number: 712664106, dated 28.07.1998 for a sum of Rs.50,000/- which is in the name of the petitioner's husband late Murugavel, equally to his legal heirs namely 1. Saraswathi, w/o. late Murugavel, 2. Soniya, D/o. late Murugavel, 3. Mrs.Lakshmi, M/o. late Murugavel.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : No Appearance, for R1
Mr.P.S.Anandan, for RR2 to 4
Mr.T.M.Karthikeyan, for R5

ORDER

Heard the learned counsel for the petitioner, learned Counsels for the respondents 2 to 5 and perused the materials available on record.

2. The petitioner has come forward with this writ petition for issuance of a writ of mandamus to direct the respondents 1 to 4 to issue the policy amount, bearing Policy Nos. 713894397 and 712664106.

3. The writ petitioner is the daughter in law of the fifth respondent. The petitioner's husband, viz., Murugavel had taken insurance policies from the respondent-LIC in policy numbers 713894397 and 712664106 for a sum of Rs.1,50,000/- and Rs.50,000/-, respectively and the fifth respondent was the nominee of the policies.

4. The case of the petitioner is that marriage between the petitioner and Murugavel was performed on 20.06.2007 and during the lawful wedlock, a special child was born to them on 22.07.2008. But unfortunately, the petitioner's husband died on 04.05.2001. Thereafter, the petitioner by submitting her representation, dated 23.05.2013, requested the third respondent to pay the policy amount. Since no reply was forthcoming, the present writ petition.

5. The learned counsel for the respondents 2 to 4 has filed a calculation memo stating that in respect of the Policy No. 713894397, the policy amount is Rs.1,50,000/- and the policy would be matured only in the year 2025 and as on date, after adjusting the loan amount, the net amount payable is Rs.1,21,718/- and for the second policy No.712664106, the total amount together with interest comes to Rs.79,949. In total, the nominee is entitled for Rs.2,01,667/-.

6. The learned counsel for the fifth respondent argued that the fifth respondent is entitled to get 50% of the amount.

7. It is the submission of the learned counsel for the petitioner that the Special Child is taken care of by the petitioner and hence substantial amount shall be paid to her even though both of them have 2/3 share in the amount.

8. When the writ petition was taken up for hearing on

20.07.2018, the petitioner, along with her daughter, appeared before this Court. Today, the fifth respondent is present before this Court and agreed that R.1,50,000/- shall be paid to the petitioner and the child and the balance amount be disbursed to her.

9. Considering the facts of the case and the representations of the petitioner and the fifth respondent, the respondents 2 to 4 shall pay Rs.1,50,000/- (Rupees one lakh and fifty thousand only) to the petitioner and her minor child and the remaining amount of Rs.51,667/- (Rupees fifty one thousand six hundred and sixty seven only) shall be paid to the fifth respondent forthwith on production of required documents. It is made clear that after maturity, the benefit under the Policy No. 713894397, shall be paid to the petitioner, the minor child and the fifth respondent in equal share.

10. With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

To

1. Manager / Claims
Life Insurance Corporation of India,
Chennai Divisional Office - I,
153-Annasalai, Chennai-2.

2. The Branch Manager,
Life Insurance Corporation of India,
City Branch 10,
Annasalai,
Chennai-02.

3. The Branch Manager,
Life Insurance Corporation of India,
14th Branch,
G.N.Chetty Road,
T-Nagar,
Chennai -17.

4 The Ombudsman,
Office of the Insurance Ombudsman,
Fatima Akhtar Court,
4th Floor, 453 (old 312), Anna Salai,
Teynampet,
Chennai - 600 018.

+1cc to Mr.S.Kingston Jerold, Advocate SR.No.49748

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AK(CO)
SMI/29.08.2018



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