

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 23692 of 2019

and

W.M.P. No. 23547 of 2019

J. Usha Rani

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Petitioner

Vs.

1. The Branch Manager

ICICI Prudential

Life Insurance Company Limited

No.82, 84 and 86, Bascor Mareu

Second Floor, Kodambakkam High Road

Nungambakkam

Chennai - 600 034.

2. Deepika

3. Minor Mithran

Rep. by his Natural Guardian Deepika

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Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the First Respondent from disbursing the policy amount of late Naveenkumar in respect of policy No.23404923 by appreciating the above stated facts pursuant to the representation dated 25.07.2019 given to the First Respondent.

For Petitioner : Mr. M. Vignesh

O R D E R

When it is pointed out that it has not been shown that the First Respondent, viz., ICICI Prudential Life Insurance Company Limited, does not fall within the meaning of 'State' under Article 12 of the Constitution and that the nature of grievance sought to be ventilated by the Petitioner in the Writ Petition were actually disputes of private character between her and the Second and Third Respondents which could not be redressed by invoking the public law remedy following summary procedure under Article 226 of the Constitution, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition. He has also made an endorsement to that effect, which is recorded.

2. That apart, the Hon'ble Supreme Court of India in Sarbati Devi -vs- Usha Devi [(1984) 1 SCC 424], has held as follows:-

"12. The nomination only indicates the hand which is authorised to receive the amount, on the payment of which the insurer gets a valid discharge of its liability under the policy. The amount, however, can be claimed by the heirs of the assured in accordance with the law of succession governing them."

In view of the aforesaid legal position, the Petitioner cannot claim the insured amount directly from the First Respondent and would have to work out her remedy for her entitled share, if any, from the nominee by appropriate legal proceedings before the competent forum in the manner recognized by law.

3. Accordingly, the Writ Petition is dismissed as withdrawn. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

+1cc to Mr.C.S.Saravanan, Advocate sr.70799

W.P. No. 23692 of 2019

cnr(co)
nr 03/09/2019

सत्यमेव जयते

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