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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2019

CORAM

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

W.P.NO.23631 OF 2019

Anusubha

... Petitioner

-vs-

1. The Branch Manager,
Life Insurance Corporation of India,
Jeevan Jyothi,
P B Nox N. 6,
12/5 Arumugham Nagar,
Coimbatore Road,
Pollachi,
Coimbatore District.
2. The Manager (CRM),
Life Insurance Corporation of India,
Divisional Office,
India Life building,
P.B. No. 3810,
Trichy Road,
Coimbatore 641 018.
3. The Insurance Ombudsman,
Fatima Akthar Court,
4th Floor,
453 (Old No. 312),
Tynampet, Anna Salai,
Chennai 600 018.

4. Vasundra Devi

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents herein to disburse the Insurance Policy amount covered under Policy No. 767567127 standing in the name of Petitioner's husband namely Niranjankumar to the Petitioner on the basis of the Petitioner's legal notice dated 23.07.2019.



For Petitioner : Ms.R.Radha Pandian

For Respondents : Mr.D.Muthukumar (for R1 & R2)

No appearance (for R3)

Mr.S.Parthasarathy (for R4)

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O R D E R

Heard Ms. R. Radha Pandian, Learned Counsel for the Petitioner, Mr. D. Muthukumar, Learned Counsel for the First and Second Respondents and Mr. S. Parthasarathy, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from perusing the pleadings of the parties.

2. The husband of the Petitioner, viz., Niranjankumar had taken out a Life Insurance Policy in Policy No. 767567127 with the First Respondent nominating the Fourth Respondent, who is his mother, as nominee for the said policy. The said Niranjankumar died on 30.04.2019. The Petitioner has sought for her share in the said proceeds of the Insurance Policy by issuing legal notice dated 23.07.2019 and as the same was not paid, this Writ Petition has been filed for the same.

3. After the filing of this Writ Petition, a settlement has been arrived between the Petitioner and Fourth Respondent, in which it has been agreed that the Fourth Respondent as nominee, would receive the entire amount due under the policy from the First and Second Respondents, and after retaining one-third of that amount towards her share as mother of the deceased, the balance two-thirds share would be paid to the Petitioner who would, in turn, invest the one-third share of the minor child of the deceased as her guardian in an interest fetching fixed deposit in any Nationalized Bank in the place where she is presently residing till the child attains the age of majority. A joint memo of compromise has been filed by the Petitioner and the Fourth Respondent to that effect, which is placed on record.

4. The First and Second Respondents shall act in accordance with the aforesaid terms by making payment to the Fourth Respondent. The parties shall file reports of compliance of their respective obligations that they have undertaken with supporting documents as per the aforesaid terms before the Registrar (Judicial) of this Court by 31.03.2020.



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5. Accordingly, the Writ Petition is disposed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gsa/vjt

Note: (i) If compliance report is not filed by
31.03.2020, the matter shall be listed
before Court for necessary orders.

To

1. The Branch Manager,
Life Insurance Corporation of India,
Jeevan Jyothi, P B Nox N. 6,
12/5 Arumugham Nagar,
Coimbatore Road, Pollachi, Coimbatore District.
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453 (Old No. 312), Tynampet, Anna Salai, Chennai 600 018.

Copy to

The Registrar (Judicial),
Madras High Court, Chennai - 600 104.

+1cc to Mr.D.Muthukumar, Advocate, S.R.No.100103
+1cc to Ms.R.Radha Pandian, Advocate, S.R.No.99076
+1cc to Mr.S.Parthasarathy, Advocate, S.R.No.98794

W.P.No.23631 of 2019

MG (CO)
CS/13/01/2020