BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.03.2019
CORAM:
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**
W.P.(MD)No.6721 of 2017

B.Deepalakshmi ... Petitioner

Vs

1.The Regional Manager,
Life Insurance Corporation of India Ltd.,
Madurai Region, Madurai.

2.The Manager (Claims),
Life Insurance Corporation of India Ltd.,
Divisional Officer, "Jeevan Praksh",
Palam Station Road,
Sellur, Maduri.

3.The Branch Manager,
Life Insurance Corporation of India Ltd.,
Devakottai,
Sivagangai District. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to disburse the petitioner as widow of the deceased policy holder in respect of policy Nos.747663977, 745557192, 745412369, 745557192, 745412369 in the name of the petitioner and 747663977 in the name of minor son R.D.Dhanvinth, together without insisting the production of successions certificate, within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.V.S.Kumaraguru
For Respondents : Mr.T.Thirumurugan

ORDER

Heard the learned counsel on either side.

2.The petitioner's husband had taken the petition mentioned policies. He passed away but in the policy form, he has nominated his father as nominee. The petitioner's father-in-law opposed the disbursement policy amount to the petitioner. Therefore, the respondents did not honour the policies. In the meanwhile, the petitioner's father-in-law also passed away. Now the only legal heirs of the deceased policy holder are the writ petitioner and her minor son. The respondents are insisting on production of succession certificate from the competent civil Court. Technically the stand of the respondent cannot be faulted.

3.In the facts and circumstances, I am of the view that the petitioner need not resort to filing of succession original petition. Since one of the legal heir is a minor son, the petitioner cannot be disbursed with the policy amount in full. It is made clear that this Court has not quantified the amount payable to the writ petitioner. This Court only directs the respondents to disburse the policy amount without insisting on production of succession original petition order. The petitioner is entitled to 50% of the policy amount. The remaining 50% of the policy amount will be deposited by the respondents in an interest bearing account in an nationalized Bank. The petitioner would be at liberty to withdraw the accrued interest once in three months. After the minor attains majority, he can withdraw the fixed deposit amount in full.

4.With these directions, the Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

+1cc to Mr.T.THIRUMURUGAN, Advocate, SR.No. 55268
+1cc to Mr.V.S.KUMARAGURU, Advocate, SR.No.55182

W.P.(MD)No.6721 of 2017

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