



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.3748 of 2020

and

W.M.P(MD)No.3182 of 2020

(Through Video Conference)

Rajendran

... Petitioner

Vs.

1.The Life Insurance Corporation of India,
Through its Divisional Office Manager(Claims),
"Jeevan Prakash",
Palam Station Road,
Sellur, Madurai - 625 002.

2.The Life Insurance Corporation of India,
Through its Branch Manager,
74 Z, Post Office Road,
Thiruppathur,
Sivagangai District.

3.Maheskumar

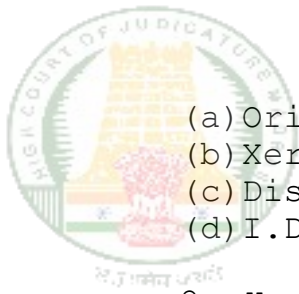
... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned letter passed by the second respondent vide Ref.CL/Ka dated 22.01.2020 and quash the same as illegal in respect of SL.No.1 and consequently direct the respondents 1 and 2 to repay the maturity amount with the accrued interest without insisting upon the original policy bonds (as stated in the SL.No.1 of the above impugned order) in obedience to the legal heir certificate issued in S.O.P.No.1 of 2018 on the file of the Additional District Judge, Virudhunagar.

For Petitioner	: Mr.G.Mariappan
For R-1 & R-2	: Mr.Anwar Sameem, Standing counsel
For R-3	: No Appearance

O R D E R

This writ petition has been filed challenging the letter dated 22.01.2020 issued by the second respondent calling upon the petitioner to submit certain documents for the purpose of redeeming the policies maintained with the first respondent Corporation by the petitioner's daughter late.Suriya Kala, who died on 20.02.2011. The documents required to be furnished by the petitioner are as follows:



- (a)Original Policy bonds 12
- (b)Xerox copy of Bank Pass Book - 1 with self attestation
- (c)Discharge Form -12 Numbers & Neft Form -2
- (d)I.D.Proof with self attestation.

2. Heard Mr.G.Mariappan, learned counsel for the petitioner and Mr.Anwar Sameem, learned standing counsel for the respondents 1 and 2.

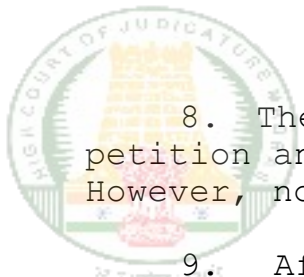
3. The learned counsel for the petitioner submits that during the last hearing on 17.03.2020, this Court recorded the statement made by the learned standing counsel for the respondents 1 and 2 that the respondents 1 and 2 are prepared to give the amount under the Insurance Policies maintained by the petitioner's daughter provided the petitioner executes a 'Notarized Indemnity Bond' in favour of the first respondent.

4. Today when the matter was heard, the learned counsel for the petitioner on instructions would submit that the petitioner is prepared to furnish all the documents sought for in the impugned letter of the second respondent, dated 22.01.2020 excepting the original policy bonds, which according to him are with the third respondent, who was the husband of his daughter at the time of her death due to commission of suicide.

5. The learned counsel for the petitioner has also submitted before this Court that Succession Certificate has also been obtained by the petitioner before the appropriate Court, which has also been furnished to the respondents 1 and 2. The same is also not disputed by the learned standing counsel for the respondents 1 and 2.

6. However, the learned standing counsel for the respondents 1 and 2 would submit that as a substitute for the production of original policy bonds, the petitioner will have to execute a 'Notarized Indemnity Bond' in favour of the first respondent Corporation wherein it has to be stated that in case any claim is made by any third party, which includes the third respondent, with regard to the payment under the insurance policies taken by the petitioner's daughter, the petitioner shall be held liable to compensate the first respondent for the losses suffered by them on account of the said claim.

7. It is also submitted by the learned standing counsel for the respondents 1 and 2 that the petitioner will have to disclose in the Indemnity Bond that the original policies are with the third respondent and that is the reason for not submitting the same to the first respondent Corporation. For this submission, the learned counsel for the petitioner on instructions has acceded to the same.



8. The third respondent has been duly served in this writ petition and his name has also been printed in the cause list today. However, no one has entered appearance on his behalf.

9. After hearing the rival submissions, the following directions are issued.

(a) The petitioner is directed to furnish the following documents before the second respondent.

(i) Execute a Notarized Indemnity Bond in favour of the first respondent Corporation, wherein it has to be stated that the petitioner shall indemnify the first respondent Corporation in case any claim is made against them with regard to the insurance policies maintained by late.Suriya Kala, either by the third respondent or by any third party. In the Indemnity Bond to be executed by the petitioner, the petitioner shall state that the original policies are with the third respondent and that is the reason for non-production of the same to the first respondent Corporation.

(ii)Xerox copy of Bank Pass Book - 1 with self attestation

(iii)Discharge Form -12 Numbers & Neft Form -2

(iv)I.D.Proof with self attestation.

(v)Xerox Copy of Succession Certificate obtained by the petitioner.

(b) On fulfilment of the above mentioned requirements, the respondents 1 and 2, shall disburse the proceeds to the petitioner, payable under the insurance policies standing in the name of the petitioner's daughter late.Suriya Kala, within a period of one week thereafter.

10. With the aforesaid directions, this writ petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CSIII)

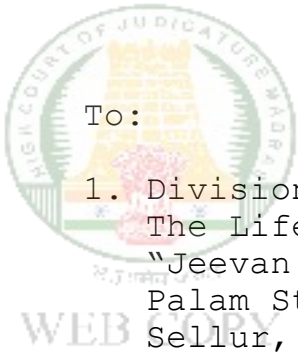
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/ /2020

Sub Assistant Registrar(CS)

pm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.



To:

1. Divisional Office Manager(Claims),
The Life Insurance Corporation of India,
"Jeevan Prakash",
Palam Station Road,
Sellur, Madurai - 625 002.

2. The Branch Manager,
The Life Insurance Corporation of India,
74 Z, Post Office Road,
Thiruppathur,
Sivagangai District.

+1 CC to M/s.S.ANWAR SAMEEM, Advocate (SR-25050[F] dated 11/12/2020
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W.P. (MD)No.3748 of 2020
10.12.2020

MJ(CO)
KB(21.12.2020) 4P 4C