



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.8977 of 2020 and

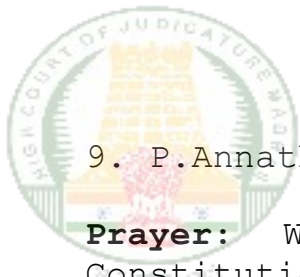
W.M.P. (MD)No.8208 of 2020

M.Vasanthi

... Petitioner

Vs.

1. The Divisional Manager,
Life Insurance Corporation of India,
Chennai -1 Division,
C-47, 2nd Avenue, Annanagar Plaza,
Anna Nagar, Chennai - 600 040.
2. The Divisional Manager,
Life Insurance Corporation of India,
1543/44, India Life Building,
P.B.No.3810, Trichy Road,
Coimbatore - 641 108.
3. The Divisional Manager,
Life Insurance Corporation of India,
Gandhiji Road, Thanjavur.
4. The Divisional Manager,
Life Insurance Corporation of India,
Palam Station Road, Sellur,
Madurai - 625 002.
5. The Branch Manager,
Life Insurance Corporation of India,
71-L Branch, 1st Floor, Mahatma Complex,
No.13, Whites Road, Peters Colony,
Royapettai, Chennai.
6. The Branch Manager,
Life Insurance Corporation of India,
No.2, Railway Feeder Road,
Sulur, Coimbatore.
7. The Branch Manager,
Life Insurance Corporation of India,
Thodore Complex, No.19/20, Bharathiyar Colony,
Trichy.
8. The Branch Manager,
Life Insurance Corporation of India,
No.45, New Agraharam,
Palani Road, Dindigul.



9. P. Annathai

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 8 herein to pay the amounts payable to the petitioner in respect of the Life Insurance Corporation policies bearing numbers (1) 764596997, (2) 745870081, (3) 745870082, (4) 756014101, (5) 7055191610 which were taken by her husband during his life time on the basis of the petitioner's representations dated 22.07.2020 and 31.07.2020 within the time stipulated by this Court.

For Petitioner	: Mr.S.Ramsundar Vijayraj, for M/s.Veera Associates.
For R-1 to R-8	: Mr.S.Karthik
For R-9	: Mr.R.Ramasamy

O R D E R

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the Life Insurance Corporation of India and the learned counsel appearing for the ninth respondent.

2. The writ petitioner before this Court is one Vasanthi. She got married to one Arulmurugan in the year 2017. The couple were blessed with two children; a male child named Dheena and a female child named Dheekshia. Arulmurugan passed away due to Cardiac arrest on 21.05.2020. The petitioner's husband had taken insurance policies with the respondent Corporation. It appears that in the insurance policies, ninth respondent who is the mother has been shown as the nominee. The petitioner is apprehensive that the insurance Corporation may pay the entire amount to the nominee and the nominee may deprive the petitioner of her legitimate share.

3. When the matter was taken up for hearing, the learned Standing counsel appearing for the Corporation submitted that till date they have not received any claim.

4. I direct the ninth respondent/mother of the deceased to make a formal claim with the insurance Corporation. Thereupon, the insurer is directed to process the said claim and dispose the same in the following manner:

a) The ninth respondent will be entitled to 25% of the claim amount.

b) The writ petitioner/wife of the deceased will be entitled to 25% of the policy amount.

<https://hcservices.ecourts.gov.in/hcservices> c) The remaining 50% of the policy amount will be



deposited as Fixed Deposit in the joint names of the children by the insurance Corporation in a nationalised bank.

5. The petitioner states that she intends to keep the children with herself. In that event, the petitioner will be entitled to withdraw the accrued interest once in six months.

6. Even though the Corporation would be entitled to pay the entire amount to the nominee, since the nominee is only in the position of trustee, the estate has to be divided in the proportion laid down in the Hindu Succession Act, 1956. I have chosen to pass comprehensive direction in this writ petition. The learned counsel appearing for the ninth respondent states that the ninth respondent would file an application within a period of two weeks from the date of receipt of a copy of this order. The Corporation is directed to dispose the amounts as mentioned above within a period of five weeks, thereafter.

7. This writ petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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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:

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+1 CC to Mr.S. KARTHIK, Advocate (SR-17769[F] dated 23/09/2020)

+1 CC to M/s.VEERA ASSOCIATES, Advocate (SR-18011[F] dated
24/09/2020)

W.P. (MD) No.8977 of 2020
22.09.2020

SCR(CO)
KM (29.09.2020) 4P 11C