



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.359 of 2014

B.Sundaramurthi

... Petitioner

-Vs-

1.The Manager Life Insurance Corporation of India,
Virudhunagar.

2.The Senior Divisional Manager,
Life Insurance Corporation of India,
Madurai.

3.The Zonal Manager,
Life Insurance Corporation of India,
Chennai.

4.The Managing Director,
Life Insurance Corporation of India,
Mumbai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to reinstate the petitioner as agent with on the basis average commission Rs.14,000/- per annum for the past five years period from 07.09.1992 to till date and directing the first respondent to pay Rs.5,00,000/- as compensation towards non-compliance of Court decree in A.S.No.351 of 1996, dated 16.02.1998 on the file of Sub-Court, Virudhunagar, till date.

For Petitioner

: Mr.G.Dhanalakshmi

For Respondents

: Mr.C.Godwin

ORDER

The grievances of the writ petitioner is that his agencyship in Life Insurance Corporation of India was terminated by the respondents and therefore, filed the present writ for Mandamus to direct the first respondent to reinstate the petitioner as agent on the basis average commission Rs.14,000/- per annum for the past five years period from 07.09.1992 to till date.

2.Admittedly, the writ petitioner was an agent in Life Insurance Corporation of India. He was terminated from agencyship on 07.09.1992. The petitioner rightly approached the Civil Court



during the relevant point of time by filing O.S.No.155 of 1995 on the file of the District Munsif Court, Virudhunagar. The suit was dismissed on 21.03.1996. The appeal filed by the petitioner was allowed in A.S.No.351 of 1996, dated 16.02.1998. However, not executed. Thereafter, the present writ petition is filed after a lapse of about sixteen years from the date of decree passed in the first appeal. The petitioner was terminated from agencyship in the year 1992 and now, the writ petitioner seeks the relief for reinstatement. This apart, the agencyship in the Life Insurance Corporation of India, is not an employment and it is only a contractual business arrangement between the Life Insurance Corporation of India Management and the agents. The commissions are paid based on certain terms and conditions of the contract. Further, the petitioner filed the civil suit, which was dismissed and the first appeal was allowed, however not executed, the present writ petition cannot be used as an Execution Petition. If at all, the writ petitioner is aggrieved to approach the appropriate Court, he should file an execution petition before the Competent Court of law. Contrarily, after a lapse of sixteen years from the date of decree passed in the first appeal, the writ petition cannot be filed nor being entertained by this Court. Thus, the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)

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+1 CC to M/s.C.GODWIN, Advocate (SR-21644[F] dated 10/11/2020)

+1 CC to M/s.G. DHANALAKSHMI, Advocate (SR-21975[F] dated 11/11/2020)

W.P. (MD) .No.359 of 2014
09.11.2020

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