



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 18229 of 2011

and

M.P. No. 1 of 2011

R.Sangeetha

...Petitioner

Vs

1. Life Insurance Corporation of India
Thiruvarur Branch
Tiruvarur.

2. M.Meenatchi

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the first respondent herein from disbursing the entire benefits of the petitioner's husband under Policy Nos. 751761060 and 752976728 to the Second Respondent herein.

For Petitioner : Mr.Gowri Shankar
For M/s. G.Jeremiah

For Respondents : Mr.Usha Raman [For R1]
No appearance [For R2]

O R D E R

Civil rights based on the contractual obligations cannot be adjudicated by a High Court in a writ proceeding under Article 226 of the Constitution of India.

2. The relief sought for in the present writ petition is to forbear the first respondent from disbursing the entire benefits of the petitioner's husband under Policy Nos. 751761060 and 752976728.

3. The insurance policies are granted by the first respondent /Life Insurance Corporation of India on certain terms and conditions. Undoubtedly, it is a contractual obligation



between the parties. In the present writ petition, the wife of the deceased is claiming a portion of the policy amount. If at all the petitioner is entitled, that is to be adjudicated in the manner known to law. Contrarily, High Court cannot prevent the first respondent /Life Insurance Corporation of India from disbursing the policy amount as per the terms and conditions.

4. Such a negative relief will infringe the rights of the other persons, who are all otherwise entitled under the policies. Thus, it is for the parties to work out their remedies in the manner known to law. If at all the petitioner claims eligibility it is for her to adjudicate before the competent forum establishing her civil rights.

5. Thus, this Court cannot grant any relief in the nature of injunction preventing the first respondent /Life Insurance Corporation of India from acting as per terms and conditions of the policies.

6. With this observation, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Maya

To

The Branch Manager,
Life Insurance Corporation of India
Thiruvarur Branch, Tiruvarur.

+1cc to M/s.Usha Raman, Advocate, S.R.No.57324

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SSD(CO)
RGA(/11/2021)