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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2021

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THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.4197 of 2014 &  
MP.No.1 of 2014

1. K. Arumugam
2. M. Karunakaran

..Petitioners

Vs

- 1.The Chief Manager,  
L.I.C. Of India,  
Tiruppur.
2. The Branch Manager,  
L.I.C. Of India,  
Tiruppur Branch Office,  
Tiruppur.
- 3.The Customer Relation Manager,  
Coimbatore Region,  
L.I.C. Of India,  
Jammanai Second Street,  
Tiruppur.
4. Mathialagan,  
Development Officer,  
L.I.C of India, Tiruppur.
5. Shanmugham,  
L.I.C. Agent,  
KRG Apartment,  
Samundipuram Main Road,  
Tiruppur

..Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents to take an appropriate action based on the representation dated 25.06.2012 made by the petitioners and consequently direct the respondent to disburse the policy amount paid by the petitioners.



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For Petitioners: Mr.N. Umapathi

For Respondents: Mr. H. Mohamed Ismail  
for R1 to R3

### O R D E R

The relief sought for in this writ petition is to issue a mandamus directing the respondents to take appropriate action on the representation of the petitioners dated 25.06.2012 and to disburse the policy amount paid by them.

2. According to the petitioners, they took LIC Policy, namely, Health Protection Plus Plan Policy bearing Nos. 765914228 and 765914229 respectively on 29.04.2009 on the basis of the assurance given by the 5<sup>th</sup> respondent, who is a LIC agent that the tenure of the policy is for a period of 30 years and whenever the petitioners surrender the policy after three years before the 1<sup>st</sup> respondent, they will receive a sum of Rs. 42,000/- each. Accordingly, the petitioners paid the premium amount to the first respondent for a period of three years and thereafter, on account of his domiciliary treatment, they were unable to continue to pay the premium and they decided to surrender the policies. Hence, they submitted surrender applications before the 1<sup>st</sup> respondent on 25.06.2012 and the 4<sup>th</sup> and 5<sup>th</sup> respondents themselves filled up the surrender applications and obtained the signature of the petitioners. Thereafter, the respondents 4 and 5 did not respond to the calls made by the petitioners. On enquiry, the petitioners came to know that unless they paid the premium amount for 30 years, they cannot receive the policy amount. Therefore, they made a representation before the third respondent on 25.06.2012 to take action against the respondents 4 and 5, after conducting enquiry and disburse the amount already paid by them. Finding no response on the same, they have come up with this writ petition for the aforesaid relief.

3. Upon notice, the respondents 1 to 3 filed a detailed counter affidavit, inter alia stating that the LIC's Health Protection Plus Policy (Plan No. 902) was an Unit Linked Health Insurance Plan, which provides for insurance cover against the health risks in respect of Hospital Cash Benefit and Major Surgical Benefit; the policy holder can claim 100% exemption under Section 80D of the Income Tax Act for the premium paid under the policy; and there is no scope for surrender after the expiry of three years. In paragraph no. 11, it was further stated as follows;

"11...I deny the allegations as that the 4<sup>th</sup>  
and 5<sup>th</sup> respondents filled up the surrender



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application and obtained signature of the petitioners herein. In fact, when the petitioners came to office with the surrender application, it was explained by the 4<sup>th</sup> respondent/Development Officer that surrender was not allowed and Medical Benefits & DTB only available. For that, the 1<sup>st</sup> petitioner replied that he would avail DTB and requested the 4<sup>th</sup> respondent/Development Officer to fill the necessary form on behalf of him."

4.The averments so made in the counter affidavit filed by the respondent Corporation, have been refuted by the learned counsel for the petitioners. He prayed to dispose of the representation dated 25.06.2012 submitted by the petitioners, on merits, within a reasonable time to be fixed by this Court, for which, the learned counsel appearing for the respondent Corporation has no serious objection.

5.In view of the above, this Court directs the respondent Corporation to consider the representation of the petitioners dated 25.06.2012, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioners and the respondents 4 and 5, within a period of four weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

msr

To

1.The Chief Manager,  
L.I.C. Of India,  
Tiruppur.

2. The Branch Manager,  
L.I.C. Of India,  
Tiruppur Branch Office, Tiruppur.



3.The Customer Relation Manager,  
Coimbatore Region,  
L.I.C. Of India,  
Jammanai Second Street,  
Tiruppur.

+1 CC to Mr.N. Umapathi, Advocate sr 29065.

W.P.No.4197 of 2014 &  
MP.No.1 of 2014

GPL (CO)  
SP(13/08/2021)