IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.25748 of 2021
and
W.M.P.No.27197 of 2021

R.Arumugam ... Petitioner

Vs.

1. M/s. Life Insurance Corporation of India
Central Office,
'Yogakshema'
Jeevan Bima Marg
Nariman Point, Mumbai 400 021.

2. Life Insurance Corporation of India,
PCMC Network Operating Center,
1st Floor, Jeevan Seva Center,
S.V.Road, SantaCruz (W)
Mumbai - 400 054.

3. Chennai Branch Office,
Life Insurance Corporation of India,
United India Bank Building,
1st Floor, Esplanade, Chennai - 600 108.

4. K.Rajesh

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 herein to disburse the benefits arising out of the Insurance Policy No.318098293 standing in the name of the petitioner's daughter Late Ms.Epsy Rani(aged 32 years) and another Insurance Policy No.318098292 standing in the name of the petitioner's daughter's minor girl child Riya (aged 3 years), to baby Riya in a Fixed Deposit account in the name of baby Riya to be used by her when she attains majority.

For Petitioner : M/s. Chennai Law Associates

For Respondent R1 to R4 : Mr.R.S.Anand
Standing Counsel for LIC

For Respondent R5 : No Appearance

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents 1 to 3 herein to disburse the benefits arising out of the Insurance Policy No.318098293 standing in the name of the petitioner's daughter Late Ms.Epsy Rani(aged 32 years) and another Insurance Policy No.318098292 standing in the name of the petitioner's daughter's minor girl child Riya (aged 3 years), to baby Riya in a Fixed Deposit account in the name of baby Riya to be used by her when she attains majority.

2. Since no adverse order has been passed against the respondents 1-3, notice to the respondents 1-3 is dispensed with.

3. The case of the petitioner is that he is the father of the deceased/4th respondent's wife. The petitioner's daughter married the 4th respondent on 21.08.2016 and were blessed with a baby girl who is now 3 years old. The petitioner's daughter took 2 policies from the 3rd respondent Insurance Company, one in her name and another in the name of her minor child. Unfortunately the petitioner's daughter passed away in an accident and thereafter, the 4th respondent family approached the petitioner in order to take the baby girl/petitioner's grand daughter with them and the same was refused by the petitioner and petitioner filed custody petition in Custody OP.No.659/2021 which is pending adjudication before this Court.

4. It is further submitted that the 4th respondent is making continuous efforts to secure the Insurance Policy benefits of the petitioner's daughter by claiming that he is the legal nominee in one of the policy standing in the name of the deceased and natural guardian in another policy which is under the name of the daughter of the deceased. Hence, the petitioner sent legal notices dated 10.03.2021 and 02.09.2021 to the 1st respondent, not to disburse the benefits of the Insurance Policies and the details about the filing of Custody OP. Thereafter, the 3rd respondent issued a reply notice dated 7.09.2021 to the petitioner stating that the 4th respondent being the legal nominee is entitled to receive the Policy benefits on the death of the policy holder if he submits duly filled death claim forms. Hence, this present petition is filed by the petitioner, not to disburse the policy benefits to the 4th respondent.

5.The learned counsel for the petitioner submits that, the petitioner's daughter married the 4th respondent on 21.08.2016 and the 4th respondent is a habitual drunkard and he deserted petitioner's daughter/deceased when she was 5 months pregnant and the petitioner is the one who took care of her daughter and his grand daughter. Suddenly after the demise of the petitioner's daughter, the 4th respondent and his family approached the petitioner only with an ulterior motive of claiming the Insurance policy benefits took by the petitioner's daughter/deceased. Therefore, disbursing the amount/policy benefits in the name of the 4th respondent will not do any good to the child/petitioner's grand daughter. He further submitted that the petitioner does not need any of the policy benefits and he wants the same to be transferred in the name of the child/petitioner's grand daughter in a Fixed Deposit account which can be used by her after she attains majority for her educational or marital purpose. He further more submitted that, it would suffice if this Court issues direction to the respondents 1 to 3 to consider the petitioner's notice dated 10.03.2021 and 02.09.2021 and not to disburse the amount till the child/petitioners grand daughter attains majority.

6.The learned Standing Counsel appearing for the respondents 1 to 3 submitted that the 4th respondent is the legal nominee in the Insurance Policy No.318098293 which stands in the name of the petitioner's daughter/deceased and he is entitled to receive 50% share/benefits arising out of the said policy, however, the petitioner is not entitled to receive anything from the above said Insurance policy. He further submitted that 2nd Insurance Policy No.318098292 standing in the name of the daughter of the deceased, who is a minor girl, the child/minor daughter of the deceased after attaining majority, she is entitled to the benefits of the 2nd policy. However, he fairly conceded that if any apprehension is made by the 4th respondent to acquire the 2nd policy benefits, the petitioner may make a representation within a period of two weeks and the same will be considered and appropriate orders will be passed on the same within the time stipulated by this Court.

7. In view of the aforesaid submissions, if the amount is disbursed in favour of the 4th respondent, it will not benefit the petitioner's grand daughter. Hence, this Court grants liberty to the petitioner to make a representation within a period of two weeks from the date of receipt of a copy of this order and if such representation is received, the official respondents are directed to consider the same and to pass appropriate orders in accordance with law after providing opportunity of hearing to the 4th respondent within a period of four weeks thereafter. Also the respondents are directed not to disburse the amount in the mean time till orders are passed in the representation to be filed by the petitioner.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

skt

To

1. M/s. Life Insurance Corporation of India
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3. Chennai Branch Office,
Life Insurance Corporation of India,
United India Bank Building,
1st Floor, Esplanade, Chennai – 600 108.

+1cc to M/s.Chennai Law Associates, Advocate, S.R.No.64091

+1cc to Mr.R.S.Anandan, Advocate, S.R.No.63864

W.P.No.25748 of 2021
and
W.M.P.No.27197 of 2021

KSM(CO)
SU(07/01/2022)