



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.06.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .Nos.645 and 732 of 2021

and W.M.P. (MD) Nos.541 & 606 of 2021

K.Madasamy

... Petitioner in
both W.Ps.

Vs.

1.The Divisional Manager,
Postal Life Insurance,
Chennai City South Division,
Chennai - 600 017.

2.The Senior Superintendent of Post Offices,
Postal Life Insurance,
Office of the Senior Superintendent of
Post Offices,
Chennai City South Division,
Chennai - 600 017.

3.T.Duraipandi,

... Respondents in
W.P. (MD) No.645/2021

1.The Branch Manager,
Life Insurance Corporation of India,
Divisional Office - I,
153, Anna Salai,
Chennai - 600 002.

2.Smt.Thangakili

... Respondents in
W.P. (MD) No.732/2021

Prayer in W.P. (MD) No.645/2021: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 and 2 herein to release the postal insurance policy amount under Policy No.TN-606945 to the petitioner.

Prayer in W.P. (MD) No.732/2021: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the first respondent herein to release the Life Insurance Policy amount under Policy No.707191994 to the petitioner.

For Petitioner
(In both W.Ps.)

: Mr.M.Thirunavukkarasu

For Respondents
(in W.P. (MD) No.645/2021

: Mr.A.Srinivasan,
Central Govt. Standing
Counsel for R1 & R2



For Respondents
(in W.P. (MD) No.645/2021

: Mr.Prasanna Vinoth for R1,
: Mr.G.Thalaimutharasu for R2

COMMON ORDER

The issue involved in both the Writ Petitions are common and hence, both the Writ Petitions are taken up together, heard and disposed of through this common order.

2. These Writ Petitions have been filed for the issue of a Writ of Mandamus, directing the respondent Insurance Company and the Postal Life Insurance to release the policy amount in favour of the petitioner, who claims to be the class-I legal heir of his deceased wife.

3. The case of the petitioner is that he was married to one Thanagapapa in the year 2018. The wife of the petitioner had taken policy from the Life Insurance Corporation as well as Postal Life Insurance. She is said to have suffered from blood cancer and ultimately, she expired on 16.10.2020.

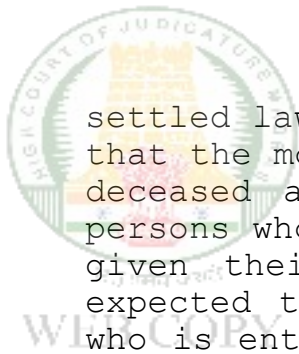
4. The wife of the petitioner had nominated her father as the nominee insofar as the Postal Life Insurance is concerned and her mother as the nominee insofar as the Life Insurance Corporation policy is concerned.

5. The claim of the petitioner is that he is the class-I legal heir of the deceased wife and hence, he is entitled to receive the amount from the Insurance Company. He made a representation, in this regard, on 31.10.2020, followed with an advocate notice on 09.11.2020. The petitioner has been informed that the money will be handed over only to the nominee appointed by the deceased. Aggrieved by the same, the present Writ Petitions have been filed before this Court seeking for appropriate directions.

6. Heard Mr.M.Thirunavukkarasu, learned counsel appearing for the petitioner, Mr.A.Srinivasan, learned Central Government Standing Counsel for respondents 1 and 2 in W.P.(MD)No.645/202, Mr.Prasanna Vinoth, learned counsel appearing for first respondent and Mr.G.Thalaimutharasu, learned counsel appearing for the second respondent in W.P.(MD)No.645/2021.

7. The only issue that arises for consideration in these Writ Petitions is as to whether the policy amount has to be handed over to the nominee appointed by the deceased or to the petitioner, who claims to be the class-I legal heir of the deceased.

8. This issue is no longer *res integra* and it is now a well



settled law by virtue of a catena of decisions, which clearly states that the money should be handed over to the nominee appointed by the deceased and the same will be kept by the nominee in trust and persons who are entitled to a share in the property, will have to be given their share by the nominee. In other words, nominee is expected to receive the property and hand it over to the persons, who is entitled for the same in law. Therefore, there is no doubt in the mind of this Court that the respondent Insurance Company must hand over the policy amount only to the nominee appointed by the deceased.

9. The next issue is as to what is the course of action available to the person, who is entitled for a share in the property and the same is not handed over by the nominee. In all such cases, the concerned person must work out the remedy only before a competent Court and claim for a share in the property. Even though the nominee is expected to hand over the property to the person who is entitled to inherit, if the obligation is not fulfilled, the aggrieved person has to work out the remedy in the manner known to law. This process cannot be undertaken before the Insurance company and the Insurance Company is duty bound to pay the money only to the nominee. Except giving this clarity, no further orders can be passed in these Writ Petitions. If ultimately, the nominees do not hand over the money to the petitioner, who claims to be a class-I legal heir of the deceased, the petitioner has to work out his remedy in the manner known to law.

10. Both the Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

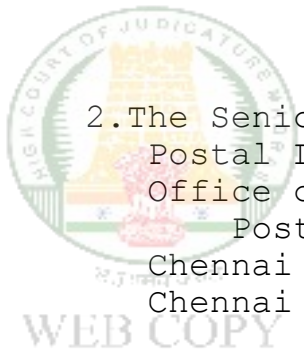
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Note :

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

1.The Divisional Manager,
Postal Life Insurance,
Chennai City South Division,
Chennai - 600 017.



2.The Senior Superintendent of Post Offices,
Postal Life Insurance,
Office of the Senior Superintendent of
Post Offices,
Chennai City South Division,
Chennai - 600 017.

3.The Branch Manager,
Life Insurance Corporation of India,
Divisional Office - I,
153, Anna Salai,
Chennai - 600 002.

+1CC TO MR.B.PRASANNA VINOTH, ADVOCATE, SR NO 20253

+1 CC to M/s.A.SRINIVASAN, Advocate (SR-20258[F] dated 25/06/2021)

+1 CC to M/s.M.THIRUNAVUKKARASU, Advocate (SR-20259[F] dated 25/06/2021)

W.P. (MD) .Nos.645 and 732 of 2021
and W.M.P. (MD) Nos.541 & 606 of 2021
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