BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2021

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD).No.17505 of 2021

T.Kala Sornabai ... Petitioner

Vs.

1.The Chief Manager/Authorized Officer,
Tirunelveli Branch,
State Bank of India,
SN High Road,
Tirunelveli.

2.The General Manager,
State Bank of India,
Head Office, Nungambakkam,
Chennai.

3.The General Manager,
SBI Life Insurance Company Ltd., (IRDA),
Central Processing Center,
Kapas Bhavan, Plot 3A,
Sector-10, CBD Belapur,
Navi, Mumbai-400614.

4.The Manager,
SBI Life Service Branch,
Madurai PC,
No.67, 2nd Floor,
Amman Sannathi Street,
Madurai-625001. ...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to claim the insured amount of Rs.5,00,000/- and eligible bonus or other benefits from the fourth respondent in respect of Insurance Policy covered to the Personal Loan Account No.37605269430, dated 21.03.2018 and adjust the same against the Personal Loan outstanding as on 30.03.2019 (i.e. date of death of the principal borrower/the petitioner's husband) and directing the respondents to consider the petitioner's representation, dated 22.09.2021.

For Petitioner : Mr.R.M.Suresh

ORDER

The petitioner seeks payments under Life Insurance Policy No.70000018311. In addition, the petitioner seeks adjustment of such insurance payments against payments due under Personal Loan Account No.37605269430.

2.The petitioner states that her husband, namely, Jeyasingh Samuel, died on 30.03.2019 while in service as a Grade I Police Constable. He had availed of a personal loan from the first respondent for a sum of Rs.5,00,000/- under Loan Account No.37605269430. The tenure of such loan was sixty months. Subsequently, her husband took an insurance policy from the fourth respondent for a sum assured of Rs.5,00,000/- under Master Policy No.70000018311. The petitioner asserts that she is the nominee under the relevant insurance policy. After the death of her husband, she made a claim under the insurance policy. The petitioner contends that the first respondent bank and the SBI Life Insurance Company limited are sister concerns and that, therefore, the amounts due and payable under the loan account should be adjusted against amounts payable by the Insurance Company under the Life Insurance Policy. The present writ petition is filed seeking such adjustment.

3.Upon perusal of the documents filed in support of the writ petition, a communication dated 30.07.2019 from the SBI Life Insurance Company Limited to the State Bank of India is on record. The said communication indicates that the petitioner's husband had not disclosed that he was suffering from Coronary Artery Disease and Diabetes Mellitus prior to the date of commencement of the policy, i.e. 25.03.2018. On such basis, the claim made under the insurance policy by the petitioner was rejected. The petitioner was also informed that she may make a representation to the Claims Review Committee if she is dissatisfied with the decision conveyed under the communication dated 30.07.2019. The address of such Claims Review Committee has also been indicated therein. The petitioner has, however, made a further representation to all the respondents herein on 22.09.2021 seeking adjustment of amounts due and payable under the Life Insurance Policy against amounts due and payable by the petitioner towards the personal loan account. In view of the rejection of the claim under communication dated 30.07.2019, the present writ petition is not sustainable. However, it is open to the petitioner to make a claim before the Claims Review Committee of the SBI Life Insurance Company Limited at the address indicated in the communication dated 30.07.2019.

4.Therefore,W.P(MD).No.17505 of 2021 is disposed of by permitting the petitioner to make a claim before the Claims Review Committee of the SBI Life Insurance Company Limited. In such representation, the petitioner should provide an explanation as regards the statement by the Insurance Company that the petitioner's husband had not disclosed that he was suffering from Coronary Artery

Disease and Diabetes Mellitus prior to the date of commencement of the Life Insurance Policy on 25.03.2018. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sn/sji

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.

Copy to

Head - Claims,
SBI Life Insurance Company Ltd.,
Central Processing centre,
8 th Level, Seawoods Grand Centre,
Tower-2, Plot No-R-1, Sector 40,
Seawood, Nerul Node,
Navi Mumbai - 400 706.

+1 CC to M/s.R.M.SURESH, Advocate (SR-30794[F] dated 30/09/2021)

W.P(MD).No.17505 of 2021
29.09.2021

RK (07.10.2021) 3P 3C