

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.533 of 2021

Minu Kumari, wife of Late Amit Kumar and Daughter of Krishna Prasad Sinha, Resident of F-431, P.C. Colony, Kankarbag, Police Station-Kankarbag, District- Patna

... .. Petitioner/s

Versus

1. The Life Insurance Corporation of India through its Chairman at Yogakshama Jeevan Bima Marg, Mumbai.
2. The Chairman, Life Insurance Corporation of India through its Chairman, at Yogakshama Jeevan Bima Marg, Mumbai
3. The Zonal Manager, Life Insurance Corporation of India, Exhibition Road, Patna
4. The Divisional Manager, Life Insurance Corporation of India, Frazer Road, Patna
5. The Chief Manager, Life Insurance Corporation of India, Branch Office, Jaisoyia More, BIADA Campus, Aurangabad
6. The Branch Manager, Life Insurance Corporation of India, Aurangabad Branch Chandel Niwas, Maharajganj Road, Aurangabad
7. Naresh Singh, Son of Budhan Singh, Resident of 23/SBI Officer's Colony, Hanuman Nagar, Patna (Life Insurance Corporation of India, hereinafter referred to as LIC)

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr. Tej Bahadur Singh, Sr. Advocate
		Mr. Ajey Kumar, Advocate
For Respondent No.1-6	:	Mr. Prashant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 17-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner is seeking following relief:

“That this is an application for issuance of



a writ of mandamus directing/ commanding the Respondents to pay petitioner the death claim under LIC Policy No.515342145 and 516741431 along with interest @ 18 per annum since the date of death of insured life of Policy Holder deceased husband Amit Kumar who died on 15.04.2018 without any further delay and be further pleased to grant such other relief or reliefs to which petitioner is found entitled in the eyes of law.”

Earlier also the petitioner had approached this Court by filing a writ petition giving rise to CWJC No.22491 of 2018, which was disposed of by an order dated 27.11.2018 in the light of the liberty sought on behalf of the petitioner to move the Insurance Ombudsman/concerned Consumer Forum.

The petitioner, in the light of the said liberty, approached the State Consumer Disputes Redressal Commission, Bihar, Patna (hereinafter referred to as “the Commission”) by filing a complaint giving rise to Complaint Case No.77 of 2018. The Commission has rejected the petitioner’s claim by an order dated 25.02.2020, operative portion of which reads as under:

“6. We have gone through the records. It appears that the present complaint case has been filed by the complainant Minu



Kumari for direction to ops LIC to make payment of amount of the two LIC policies to her as a legal heir of deceased husband/policy holder wherein her father-in-law op no.7 was made as nominee. In view of the alleged claim in the complaint which relates to family disputes between the complainant/wife of the deceased insured with the op no.7 her father-in-law. The complainant claims adjudication of her legal right so that the amount of the policies in question could be paid to her as a legal heir of her deceased husband Amit Kumar. The aforesaid claim cannot be termed as a consumer dispute in nature and therefore it cannot be adjudicated by this Commission under the provision of the C.P. Act. The complaint stands dismissed as not maintainable due to want of jurisdiction.

7. However, it is clarified that under the terms of the policy schedule, the death claim amount can be payable to the nominee only by LIC after death of insured and after the payment of the death claim amount of the LIC policies to nominee, the complainant can take appropriate steps with respect to her entitlement/rights of her share/proceeds of the policies as a legal heir of the deceased before competent court or authority.”

Mr. Tej Bahadur Singh, learned Senior Counsel appearing on behalf of the petitioner has submitted that the



Commission, once having decided the question of maintainability of the complaint case against the petitioner, ought not to have gone into the merits of the case. He has further submitted that the Commission's opinion that the complaint was not maintainable before the Commission is not founded on sound reasoning.

The admitted fact, however, is that the petitioner had not questioned the correctness of the said decision of the Commission before the appellate forum.

In such view of the matter, this application is disposed of with a liberty to the petitioner to either approach the appropriate forum in terms of the order of this Court dated 27.11.2018 or the appellate forum to question the correctness of the order of the Commission.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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