

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19769 of 2021

Sneham Sagar Son of Prem Prasad Singh Resident of Village Narayanpur,
P.O.- Birnalkhan Sen, P.S. Mahua, District- Vaishali at present residing at H
No. 6, Gali No. 4, Maqsudan, Sabzi Mandi, New Sheetal Nagar, Jalandhar- I,
District- Jalandhar, Punjab

... .. Petitioner/s

Versus

1. The Life Insurance Corporation of India through its Zonal Manager, East Central Zone, Jeevan Deep Building, Exhibition Road, Patna
2. The Zonal Manager, Life Insurance Corporation of India, East Central Zone, Jeevan Deep Building, Exhibition Road, Patna.
3. The Regional Manager (CRM/ CLAIMS/ ANNUITIES), Life Insurance Corporation of India, East Central Zone, Jeevan Deep Building, Exhibition Road, Patna.
4. The Senior Divisional Manager, Muzaffarpur Divisional Office, Life Insurance Corporation of India, Jeevan Prakash, Uma Shankar Prasad Marg, PO Ramana, Muzaffarpur.
5. The Manager (CRM- Claims), Muzaffarpur Divisional Office, Life Insurance Corporation of India, Jeevan Prakash, Uma Shankar Prasad Marg, PO Ramana, Muzaffarpur.
6. The Branch Manager, Life Insurance Corporation of India, Muzaffarpur Branch- II, Opposite Ram Krishna Ashram BIADA, Bela Muzaffarpur.
7. The State Bank of India through its Chief General Manager, Local Head Office, Judges Court Road, Patna.
8. The Chief General Manager, State Bank of India, Local Head Office, Judges Court Road, Patna.
9. The Branch Manager, State Bank of India, Judges Court Road Branch, Patna.
10. The Branch Manager, State Bank of India, Judges Court Road Branch, Patna.
11. The Branch Manager, State Bank of India, Kasba Branch, District- Purnea.
12. The Indian Bank through its Zonal Manager, Zonal Office, Buddha Marg,

Patna.

13. The Branch Manager, Indian Bank, West Gandhi Maidan Branch, Patna.
14. The Bank of India through its Dy. General Manager, Bank of India (Patna Zone), Chanakya Tower, 1st Floor, Patna
15. The Branch Manager, Bank of India, Madhubani Bazar Branch, Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mayank Rukhaiyar, Advocate
For the Respondent/s	:	Mr.Sanjiv Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 12-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

“ i. For issuance of a writ preferably a writ in the nature of Writ of Mandamus commanding the Respondents 1 set to pay to the Petitioner money secured by policy no. 856937811 on the unfortunate death of the policy holder i.e., his wife namely Priyanka Kumari.

ii. For issuance of a Writ preferably a Writ in the nature of Writ of Mandamus commanding the Respondents 2nd, 3rd & 4th Set to allow the Petitioner to withdraw the money left in the saving bank accounts of his deceased wife Priyanka Kumari.

iii. For a direction upon the respondents restraining them from making any payment from the sum assured against the policy and the money in the bank account of the deceased wife of the Petitioner to any other person including the nominee during the pendency of the present Writ Application.

iv. For any other relief or reliefs for which the Petitioner is found entitled to.”

Petitioner is husband of late Priyanka Kumari, who was a constable in Bihar police and unfortunately died in a road accident. She was married to petitioner on 07.07.2021 and died on 06.09.2021 just two months after her marriage.

Late Priyanka Kumari, before her marriage had open following bank accounts, in which she made her mother as nominee:-

(i) Savings Bank Account No. 37955294659 at Judges Court Road Branch, State Bank of India, Patna.

(ii) Savings Bank Account No. 31831462405 at Kasba Branch, State Bank of India, District- Purnea.

(iii) Savings Bank Account No. 6901290192 at West Gandhi Maidan Branch, Indian Bank, Patna.

(iv) Savings Bank Account No. 584210110004261 at Madhubani Bazar Branch, Bank of India, Purnea.

(v) Late Priyanka Kumari took an Insurance Policy being Insurance Policy No. 856937811 issued on 28.07.2020 from Life Insurance Corporation of India, in which she made her mother as nominee.

Property movable or immovable devolves upon the legal heirs of deceased as per Hindu Succession Act. Nomination made under the Insurance Act is merely an authorization to receive the amount secured under the policy upon death of insured person.

Counter affidavit has been filed by LIC in which it has been stated that in absence of proper succession certificate, the claim of petitioner cannot be entertained as he is not a

nominee in the policy. As per Hindu Succession Act, 1956, mother is also a class I heir and she has also right over the amount of death claim.

The writ petition is disposed of with liberty to claimants to obtain succession certificate from the court of competent jurisdiction and on basis of said succession certificate, respondent bank and the LIC shall release and apportion the amount to the legal heirs as indicated in succession certificate.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	