

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) NO.16148 OF 2022

Minati Swain

....

Petitioner

Mr.S.K.Mishra, Adv.

-versus-

Life Insurance Corporation of India & ors.

Opposite Party(s)

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
11.7.2022**

Order No.

01. 1. Heard learned counsel for the Petitioner.
2. Admittedly, the representation at Annexure-5 has been filed by one of the legal heirs of the deceased.
3. On the own submission of the learned counsel for the Petitioner, there is no denial that in the policy, there is clear mentioning of the mother of the Policy Holder being the Nominee. In the circumstance, this Court finds, the wife being one of the legal heirs cannot maintain an application for drawing her share from the Policy involved. It is ultimately to be decided in an appropriate court of law in appropriate proceeding.
4. In the circumstance, this Court finds, any representation in this regard is permissible. This Court observes that for the Nominee

receiving the whole amount involving the Policy being the Custodian of such amount, it may be open to the legal heir/heirs of the deceased to approach the competent court of law for appropriate share and appropriate interim relief also.

5. With this observation, the Writ Petition stands disposed of.

(Biswanath Rath)
Judge

M.K.Rout

