IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.13028 OF 2020
AND
W.M.P.NOS.16142 AND 16144 OF 2020

Devi ... Petitioner

.Vs.

1. The Chief Manager,
Life Insurance Corporation of India,
CBO II Code 722,
Matha Complex 1st Floor,
Whites Road,Royapettah,
Chennai - 600 014.

2. The Branch Manager,
Life Insurance Corporation of India,
CBO II, Code 722.
Matha Complex 1st Floor,
Whites Road, Royapettah,
Chennai - 600 014.

3. Kasthuri Raj

4. Muthulakshmi ... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for records in impugned letter dated 19.03.2020 on the file of the 2nd respondent and quash the same and direct the respondents disburse the entire benefit due to the petitioner and her son accrued under the policy No. 706665353 dated 27.02.2014.

For Petitioner : Mr.R.Rajarajan

For RR1 and 2 : Mr.T.Rajasuriya

For RR3 and 4 : Mr.E.P.Senniyangiri

O R D E R

The petitioner has filed this petition seeking issuance of Writ of Certiorarified Mandamus calling for records in impugned letter dated 19.03.2020 on the file of the 2nd respondent and quash the same and direct the respondents disburse the entire benefit due to the petitioner and her son accrued under the policy No.706665353 dated 27.02.2014.

2. The case of the petitioner is that the petitioner herein was legally married to one V.Ramesh in accordance with Hindu Rites and Customs on 5.7.2017. Out of the said lawful wedlock, the petitioner begot one son namely Parvesh and due to family dispute, the husband of the petitioner had committed suicide on 12.12.2019. It is alleged by the petitioner that her husband Ramesh had taken a life insurance policy with the 2nd respondent in Life Insurance Corporation Policy No.706665353 dated 27.02.2014 for a basic sum assured Rs.1,00,000/- and was also periodically paying the installments without any default and the policy is alive on the date of the death of her husband and since the husband of the petitioner was a bachelor at the time of taking policy, he had appointed his brother Kathuri Raj as his nominee and after marriage, the petitioner and her son are the only Class I legal heirs in accordance with the provisions of the Hindu Succession Act, 1956. After the demise of her husband, the entire benefits accrued and assured under the aforementioned policy ought to have been disbursed to the petitioner and her minor son and therefore, the petitioner have approached the respondent authorities on several occasion and requested them to disburse the benefits accrued under the policy to the petitioner and her son and her mother in law in equal proportion of their share. Even after several representation, the respondents failed to take any proper and immediate action for the disbursement of the insurance benefits and challenging the impugned communication refusing to process the claim of the petitioner, the present petition has been filed.

3. The learned counsel appearing for the petitioner submitted that the petitioner is a widow and became destitute at a very young age and she has to look after her minor son and therefore, the benefits accrued under the policy, would help her to survive and tide over the crisis confronted by the petitioner. The learned counsel further submitted that during the pendency of the Writ Petition, there was a compromise in between the parties and the 3rd respondent agreed to disburse the amount in favour of the petitioner and the children and to that extent, the respondents 3 and 4 have also filed no objection

affidavit before this Court.

4. This Court has carefully considered the No Objection affidavit filed by the respondents 3 and 4, wherein it was stated that the 3rd respondent's brother Ramesh who is the husband of the petitioner herein had taken the above said policy and at the time of taking of the policy, he had appointed the 3rd respondent as his nominee. However, after the marriage, the petitioner and her son are the Class I legal heirs in accordance with the provisions of Hindu Succession Act, 1956 along with the mother of the deceased and the 3rd respondent have no objection to disburse the benefit of the aforementioned policy/plan to the petitioner and her son and her mother-in-law in equal proportion of their share.

5. In view of the above said compromise between the parties, this Court issues direction to the 2nd respondent to disburse the entire policy amount to the petitioner and her minor child and her mother-in-law in equal proportion, within a period of four weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above observations. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Manager,
Life Insurance Corporation of India,
CBO II Code 722,
Matha Complex 1st Floor,
Whites Road, Royapettah,
Chennai - 600 014.

2. The Branch Manager,
Life Insurance Corporation of India,
CBO II, Code 722.
Matha Complex 1st Floor,
Whites Road, Royapettah,
Chennai - 600 014.

+1cc to Mr.R.Rajarajan, Advocate, S.R.No.5536

W.P.NO.13028 OF 2020

PCH(CO)
PBS/10/03/2022