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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :28.01.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NOS.27991 & 7492 OF 2021

AND

W.M.P.NOS.29560 & 8454 OF 2021

1. Minor K.Shanthini
D/o.(late) Kumaresan
2. Minor Shalini
D/o.(late) Kumaresan
Petitioners 1 and 2 are being minors
Rep. By their natural guardian cum mother
Mrs.K.Srividya

... Petitioners in W.P.No.27991 of 2021

1. Mrs.K.Srividya

... Petitioners in W.P.No.7492 of 2021

- Vs -

1. The Branch Manager,
Life Insurance Corporation 744,
No.90 A1, Mahatma Gandhi Road,
Cauvery Nagar, Myladuthurai 609 003.
2. The Branch Manager,
SBI Life Insurance Co.Ltd.,
No.7-A, First Floor, Sampoorana Building,
State Bank Road, Myladuthurai 609 001.
3. The Kumbakonam Mutual Benefit Fund Ltd.,
Rep. By its Branch Manager,
Chidambaram Branch,
Chidambaram-608 001.
4. The Kumbakonam Mutual Benefit Fund Ltd.,
Rep. By its Branch Manager,
Neyveli Branch, Cuddalore District.
5. Saraswathi

... Respondents in W.P.No.27991 of 2021



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1. The Branch Manager,
Life Insurance Corporation 744,
No.90 A1, Mahatma Gandhi Road,
Cauvery Nagar, Myladuthurai 609 003.
2. The Branch Manager,
SBI Life Insurance Co.Ltd.,
No.7-A, First Floor, Sampoorana Building,
State Bank Road, Myladuthurai 609 001.
3. The Branch Manager,
City Union Bank,
Chidambaram Branch,
Chidambaram.
4. Saraswathi

... Respondents in W.P.No.7492 of 2021

Prayer in W.P.No.27991 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents in particular respondents 1 to 4 to consider the representation made by the petitioners dated 25.11.2021 within a time frame that may be fixed by this Court.

Prayer in W.P.No.7492 of 2021:

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus directing the respondents 1 to 3 to consider petitioner's representation dated 15.03.2021 to withhold the matured policies with the respondents 1 to 3 viz., LIC Policies, SBI mutual funds and private mutual funds as well fixed deposits at City Union Bank in the name of fourth respondent.

For Petitioners	: Mr.M.Saravana Kumar in both W.P's
For Respondent R1	: M/s.S.P.Patel in both W.P's
For Respondent R4	: Mr.Veerapathran in W.P.No.27991 of 2021



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For Respondent R4 : M/s.S.Kala
in W.P.No.7492 of 2021

For Respondent R5 : M/s.S.Kala
in W.P.No.27991 of 2021

ORDER

The Writ Petition in W.P.No.27991 of 2021 has been filed seeking direction to the respondents 1 to 4 to consider the petitioner's representation dated 25.11.2021.

2. The Writ Petition in W.P.No.7492 of 2021 has been filed seeking direction to the respondents 1 to 3 to consider the petitioner's representation dated 15.03.2021.

3. The case of the petitioners in both W.P's is that the petitioners are daughters and wife of one Kumaresan/deceased, who worked as a commission agent at jewellery shop and used to deposit his hard earned money in LIC, SBI Mutual Funds and savings in the name of 5th respondent, who is mother of the deceased. While so, the deceased passed away on 15.08.2020 due to Covid-19 leaving behind the petitioners and the 5th respondent as his legal heirs. The amount that was invested by the deceased has not been properly distributed to the petitioners and the 5th respondent. Aggrieved by the same, the petitioner in W.P.No.7492 of 2021 made a representation dated 15.03.2021 before respondents 1 to 3. Thereafter, another representation dated 25.11.2021 was made by the petitioners in W.P.No.27991 of 2021. However, till date, no orders have been passed on the representations made. Hence, these Writ Petitions.

4. The learned counsel for the petitioners in both W.P's submitted that legal notice was issued to the 1st respondent not to disburse the maturity premium amounts without deposit of the original LIC policy bonds, but the same was not considered by respondents 1 to 3. Hence, the petitioners filed a civil suit in O.S.No.45 of 2021 before the Court below. Thereafter, representations were also made before the concerned respondents in both W.P's. Even then, no orders have been passed on the same.

5. The learned counsel appearing for the Life Insurance Corporation submitted that the policies obtained by the deceased one Kumaresan are not yet matured and still the amount has to be paid periodically to keep the policy in force.

6. The learned counsel appearing for the respondent 4 in W.P.No.27991 of 2021 submitted that though the fixed deposit was made in name of the private respondent/5th respondent, without



her consent, the amount cannot be disbursed in favour of the petitioners.

7. The learned counsel appearing for the 5th respondent in W.P.No.27991 of 2021 submitted that already the petitioner has filed a suit in O.S.No.45 of 2021 before the District Munsiff Court, Chidambaram and the same is pending. Further, a set aside petition filed by the 5th respondent is also pending before the trial Court and also that a counter affidavit has been filed by the 5th respondent to that effect. Hence, allowing the Writ Petition is not sustainable.

8. Considering the submissions made by the learned counsels for the respondents and since the suit filed by the petitioner is pending in O.S.No.45 of 2021, the prayer sought for by the petitioners cannot be acceded to. Accordingly, these Writ Petitions are dismissed. However, the petitioners are at liberty to work out their remedy before the competent Court. Consequently, connected miscellaneous petitions are closed. No Costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Branch Manager,
Life Insurance Corporation 744,
No.90 A1, Mahatma Gandhi Road,
Cauvery Nagar, Myladuthurai 609 003.
2. The Branch Manager,
SBI Life Insurance Co.Ltd.,
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4. The Branch Manager,
The Kumbakonam Mutual Benefit Fund Ltd.,
Neyveli Branch, Cuddalore District.

5. The Branch Manager,
City Union Bank,
Chidambaram Branch,
Chidambaram.

+2ccs to Mr.M.Saravana Kumar, Advocate, S.R.No.5895
+1cc to Mr.Veerapathran , Advocate, S.R.No.5745
+1cc to Ms.S.Kala, Advocate, S.R.No.5546
+2ccs to M/s.S.P.Patel, Advocate, S.R.No.5402

W.P. Nos.27991 & 7492 of 2021
and
W.M.P.Nos.29560 & 8454 of 2021

PMK (CO)
PM/08/03/2022