BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9020 of 2021

Valarmathi ... Petitioner

Vs

1.The Deputy Vice President (Claims-Health),
Health Claims Team,
SBI General Insurance Company Limited,
No.101, 201, 301, Natraj,
Junction of Western Express Highway and
Andheri Kurla Road,
Andheri (East),
Mumbai – 400 069.

2.The Regional Manager,
SBI General Insurance,
Trichy Region,
Trichy.

3.The Branch Manager,
SBI Life Insurance,
No.29-B, Rohan 8 Arcade,
9th Cross, 2nd Floor,
Thillai Nagar Main Road,
Opposite HP Petrol Bunk,
Thillai Nagar,
Trichy – 18.

4.Arul Jothi ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a WRIT OF MANDAMUS, directing the respondents No.1 to 3 to disburse the Insurance amount in Policy No. 150420-0000-00 to the Petitioner on the basis of her representation dated 21.04.2021, within a time frame that may be fixed by this Court.

For Petitioner	:	Mr.K.Arunraj
For R1 and R-3	:	No Appearance
For R-2	:	Mr.G.Kalyan Jhabah for M/s.Surana & Surana

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned counsel appearing for the second respondent.

2. The petitioner's father died on 16.02.2017. In that regard, a criminal case was also registered. It appears that the petitioner's father had taken a insurance policy with the SBI General Insurance. Since the insurance claim had not been honoured, the present Writ Petition came to be filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the second respondent submitted that the second respondent is

not answerable to the writ petitioner and that they are answerable only to the nominee. The fourth respondent herein is the nominee mentioned in the Insurance Policy.

4. I am not able to appreciate the contention advanced by the learned counsel for the second respondent. It is true that it is the nominee who will have to be paid the insurance amount if any. But the nominee cannot retain the entire amount with himself. He has to necessarily distribute the same among the legal heirs. In this case, the occurrence taken place in the year 2017. We are now in 2022 August. Therefore, the legal heir as an interested person is very much entitled to maintain the Writ Petition.

5. The Insurance Company has to take a call in the matter. I direct the second respondent to take a decision on the Insurance claim on merits in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved by the decision of the second respondent, the petitioner can move the jurisdictional consumer forum.

6. The Writ Petition is disposed of accordingly. There shall be no order as to costs.

29.08.2022

Index : Yes / No
Internet : Yes/ No
Nsr

To
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G.R.SWAMINATHAN, J.

Nsr

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