



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

CORAM:

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.12449 of 2020

Maria Soosai

.. Petitioner

Vs

1.The Branch Manager,
Life Insurance Corporation of India,
No.3, West Marret Street, Madurai.

2.Amirtham

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to disburse the petitioner's son Edward Francis, Life Insurance Corporation Policy No.746738268, dated 15.06.2016, 746734269 dated 28.09.2012 to the petitioner as a nominee of the policy with interest within the time stipulated by this Court.

For Petitioner : Mr.V.Muthumani

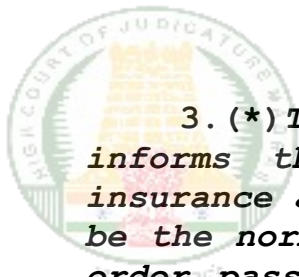
For Respondents : Mr.T.Thirumurugan
Standing Counsel for R1

: No appearance for R2

O R D E R

Heard the learned counsel for the writ petitioner and the learned Standing Counsel for Life Insurance Corporation of India. The second respondent has been served, but she has not chosen to enter appearance.

2. The petitioner's son Edward Francis died in an accident. The petitioner's son had taken insurance policies with the first respondent. In the policies, the petitioner has been shown as the nominee. The petitioner wants the first respondent to pay the insurance amount to him. It is seen that there is some dispute between the petitioner and his daughter-in-law. In order to give a quietus to the issue, the petitioner, through his counsel, states that he would be satisfied if the share belonging to the second respondent is retained by the Insurance Company and the balance amount alone is paid.



3. (*) The learned standing counsel for the first respondent informs the Court that as per norms, they cannot divide the insurance amount and that they also retain any sum. Though that may be the norms followed by LIC, they have to necessarily abide by the order passed by this Court. LIC is directed to pay 1/3rd of the insurance amount to the wife of the deceased namely, the second respondent herein. The balance amount will be paid to the writ petitioner herein. It is stated that the second respondent also approached LIC. In view of the order passed by this Court, appropriate division will be made and payment will be made accordingly. This shall be done within a period of six weeks from the date of receipt a copy of this order.

4. This Writ Petition is allowed on the above terms. No costs.

Sd/-

Assistant Registrar (RTI)

(*) Amended as per the order of this Court in W.P. (MD) No.12449 of 2020, dated 12.12.2022

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/01/2023

Sub Assistant Registrar (CS)

abr

To

(*) To be substituted to the order already despatched on 16.09.2022
The Branch Manager,
Life Insurance Corporation of India,
No.3, West Marret Street, Madurai.

+1 CC to M/s.V.MUTHUMANI, Advocate (SR-61536[F] dated 18/08/2022)

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-61669[F] dated 18/08/2022)

W.P. (MD) No.12449 of 2020

16.08.2022

SK(12.09.2022) 2P 4C

RD (29.12.2022) 2P 4C