



W.P(MD)No.8058 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8058 of 2019

Rethinabai

... Petitioner

Vs.

The Branch Manager,
Life Insurance Corporation of India,
Thuckalay Branch,
Kanyakumari District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent to disburse the insurance amount with interest till the realization of the amount payable to the petitioner for the death of her son in respect of policy Nos. 322204438 and 322204988 within a reasonable time as may be fixed by this Court.

For Petitioner : Mrs.R.Jenifer Bibin

For Respondent : Mr.S.Karthik

ORDER

Heard the learned counsel on either side.



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2. The writ petitioner's son Ajin Kumar had taken two life insurance policies bearing Nos.322204438 and 322204988. Ajin Kumar / life assured passed away on 23.10.2007.

3. The petitioner's grievance is that insurance amount was not paid to her. There is no dispute that the petitioner is the legal heir of life assured. But the stand of the respondent is that the petitioner's son paid only the first premium and failed to pay the second premium. The policies were taken on 24.05.2007 and 28.05.2007. The due date for paying the second premium was three months thereafter. 30 days grace period was available. Even after the expiry of the grace period, the second premium was not paid. Ajin Kumar passed away on 23.10.2007. Thus, by the time, life assured passed away, the policies had already lapsed.

4. In these circumstances, the respondent had to repudiate their liability. Counter affidavit has already been filed and the facts set out therein have not been controverted by the petitioner. That apart, the writ petition itself has been filed after a lapse of twelve years after the demise of the petitioner's son. I do not find any ground to interfere. It appears that after the demise of the petitioner's son, some amount was paid towards premium. The respondents are directed to return the said amount to the petitioner.



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5. The Writ Petition is dismissed. No costs.

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Index : Yes / No
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G.R.SWAMINATHAN, J.

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