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W.P.(MD).No.6859 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 01.09.2022

ORDER PRONOUNCED ON : 12.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.6859 of 2014

B.Devi

....Petitioner

Vs

The LIC of India represented by
The Senior Divisional Manager
Divisional Office
Jeevan Prakash
Bridge Station Road
P.B.No.16, Sellur
Madurai 625 002

.....Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Communication of the respondent vide his letter claims/749 dated 17.02.2014, quash the same and consequently direct the respondent to pay the amount insured by the petitioner's husband vide Policy No.746057493.

For Petitioner : Mr.Hendri Thipene
For Mr.R.Karunanidhi

For Respondent : Mr.C.Godwin



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The said writ petition has been filed challenging an order passed by the respondent under which the LIC policy claim of the writ petitioner was rejected.

2. According to the petitioner, her husband was secured by the police on the mid-night of 25.02.2010 and thereafter, he died due to the physical torture of the police. However, the respondent corporation has rejected the claim on the ground that the petitioner's husband died due to consuming oleander seeds.

3. The learned counsel for the petitioner had contended that the toxicology report clearly indicate that there is neither oleander seed nor other poison was detected. The final opinion of the Doctor has also not disclosed the fact that the petitioner's husband had committed suicide. In view of the above said facts, the claim of the petitioner ought to have been sanctioned by the respondent.

4. Per contra, the learned counsel for the respondent had contended that the final opinion of the Doctor reflects that the postmortem report is



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consisting with the death due to poisoning nature of which could not be made out. As per the policy condition, if the petitioner's husband had died by committing suicide, the petitioner being a nominee is not entitled to receive the claim amount. Hence, he prayed for dismissal of the writ petition.

5.I have considered the submissions made on either side and perused the materials available on record.

6.The forensic/toxicology report dated 12.03.2010 clearly indicate that no poison was detected in the viscera of the writ petitioner's husband. The postmortem report also does not indicate anything which would make the claim as null and void. Based upon the postmortem and forensic report, the Doctor have given a final opinion on 10.09.2010 to the effect that “in view of chemical analysis report no definite opinion could be given. However, the postmortem appearances are consistent with the death due to poisoning, nature of which could not be made out”.

7.A perusal of the final opinion of the Doctor dated 10.09.2010 will clearly indicate that they are not in a position to arrive at any final opinion and the nature of the poison could not be made out. Hence, it is clear that the petitioner's husband has not died due to poison or he has committed suicide.



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8. In view of the above said facts, the order impugned in the writ petition is set aside and the respondent is directed to disburse the claim amount in relation to L.I.C policy in favour of the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order. This writ petition is allowed. No costs.

12 .09.2022

Internet : Yes/No
Index : Yes/No
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R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

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12.09.2022