



W.P.(MD)No.28522 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.28522 of 2022

and

W.M.P.(MD)No.22531 of 2022

X.Arul Mary

... Petitioner

Vs.

1. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office,
Jeevan Prakash,
16, Bridge Station Road, Sellur,
Madurai - 625 002.

2. X.Arul Mary

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 04.07.2022 issued by the first respondent and quash the same and consequently, direct the first respondent to disburse the gratuity and provident fund to the petitioner payable to the petitioner's deceased son in terms of nomination submitted before the first respondent.



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For Petitioner : Mr.V.Sasikumar
For Respondents : Mr.G.Prabhu Rajadurai for R1
Mr.S.C.Herold Singh for R2

ORDER

This Writ Petition has been filed to call for the records of the impugned order, dated 04.07.2022 passed by the first respondent, quash the same and consequently, direct the first respondent to disburse the gratuity and provident fund to the petitioner payable to the petitioner's deceased son in terms of nomination submitted before the first respondent.

2. The case of the petitioner is that the petitioner's son, namely, Stephen, was appointed as Development Officer in Life Insurance Corporation of India in the year 2007 and his appointment was confirmed in the year 2009. Thereafter, in the year 2020, he was promoted as Manager and transferred to Madurai. The second respondent herein is the daughter-in-law of the petitioner. There was no compatibility between the petitioner's son and the second respondent. The second respondent harassed the petitioner's son and therefore, he committed suicide on 09.05.2022. After his



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death, the same was communicated by the petitioner to the Senior Branch Manager, Madurai on 12.05.2022 and 31.05.2022 for settlement of the death benefits, namely, provident fund and gratuity. The petitioner claims that she and his son's adopted daughter are entitled to claim benefits and the same was objected to by the second respondent. Hence, the present Writ Petition.

3. The learned counsel appearing for the second respondent would submit that there is a dispute between the legal heirs of the deceased and the second respondent has already filed a Succession Original Petition in S.O.P.No.215 of 2022 on the file of the Principal District Judge, Madurai. Hence, this Court may grant liberty to the first respondent to disburse the benefits after disposal of the said Succession Original Petition.

4. The learned counsel appearing for the petitioner would submit that already the deceased nominated the petitioner's daughter, namely, Maria Jansi Rani, as his beneficiary of the Group Insurance Scheme. Though the petitioner's daughter is not entitled for other benefits, however, she is entitled for Group Insurance. Hence, this Court may issue a direction to the



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first respondent to settle the Group Insurance scheme to her daughter and settle the 50% of the death benefits, namely, provident fund and gratuity to the petitioner

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

6. The facts in the present case are not in dispute. Admittedly, there was a dispute between the petitioner and the second respondent to succeed the estate of the deceased, for which, the second respondent has already filed a Succession Original Petition in S.O.P.No.215 of 2022 before the Principal District Judge, Madurai.

7. Rendering any opinion on the merits of the case, will adversely affect the interest of the petitioner as well as the second respondent. Hence, this Court, without expressing any opinion, is inclined to issue a direction to the first respondent to settle the death benefits as per the order of the learned Principal District Judge in S.O.P.No.215 of 2022. However, liberty is



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granted to the petitioner to work out the remedy in the manner known to law with regard to the claim of the death benefits.

8. Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

23.12.2022

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The Senior Divisional Manager,
Life Insurance Corporation of India,
Divisional Office, Jeevan Prakash,
16, Bridge Station Road, Sellur,
Madurai - 625 002.
2. The learned Principal District Judge,
Madurai.



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M.DHANDAPANI,J.

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