

CWP No.19152 of 2019 (O&M)
Date of Decision: 21.03.2022

RAJESH SALES CORPORATION

.....Petitioner

Versus

ORIENTAL INSURANCE COMPANY LIMITED & ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. M.K. Sood, Advocate for the petitioner.

Mr. S.S. Sidhu, Advocate for respondent No.1.

RAJBIR SEHRAWAT, J. (ORAL)

This is a petition filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus directing respondent No.1 to deposit the insurance amount of Rs.7.00 Lakh in Court and to order release of the interest to respondent No.2 till he attain the age of majority, with a further prayer to direct respondent No.1 to release Rs.41,503/- to the petitioner as the medical expenses which were incurred by the petitioner in the treatment of father of respondent No.2.

It is not even disputed that the deceased Kashipal was insured qua his life with the respondent-Insurance Company. He has left behind only a son named Master Golu Pal, who is respondent No.2 in the present petition. The counsel for the respondent-Insurance Company has not even disputed that the insurance company is liable to make the payment of the insurance amount of Rs.7.00 Lakh on account of death of above said Kashipal. However, the counsel has submitted that the respondent-Insurance

Company is not clear as to where the said amount is to be deposited and who will give the discharge as to the liabilities on payment of this amount.

Keeping in view the particular facts of the case, the present petition can be disposed by directing the respondent-Insurance Company to create a fixed deposit in the name of respondent No.2-Master Golu Pal, the minor son of deceased Kashipal, resident of H.No.240, Ambedkar Colony, Balongi, Mohali and by directing the petitioner to give discharge certificate to the respondent-Insurance Company qua its liability.

Accordingly, the present writ petition is disposed of with a direction to the respondent-Insurance Company to create a fixed deposit of the above said amount in the name of minor-Master Golu Pal, the respondent No.2; with some nationalized bank. The original of the FDR shall be handed over to the grandmother (Smt. Chhathathi Devi) of the minor respondent No.2 under a due receipt. The insurance company shall submit the copy of FDR along with receipt received from the grandmother; to the petitioner, who shall provide the certificate of discharge qua liability to the respondent-Insurance Company.

The above said amount of fixed deposit shall be payable only on attaining majority by the minor-respondent No.2. However, in case any application is made to the competent Guardian Court for release of amount of interest only; for the welfare of the child, the same may be considered by that Court, in accordance with the law.

21.03.2022
sandeep

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No