



W.P.No.18192 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18192 of 2023

And

W.M.P.No.17391 of 2023

1.S.Rajeshwari

2.Minor.P.B.Sangamesh

Rep. by his next friend & Grandmother
S.Rajeshwari

... Petitioners

Vs.

1.The Chief Customer Officer,
Max Life Insurance Company Ltd.,
Plot No.90A, Sector 18,
Gurugram – 122 015,
Haryana.

2.The Assistant Manager – Claims,
Max Life Insurance Company Ltd.,
Plot No.90A, Sector 18,
Gurugram – 122 015,
Haryana.

3.The Insurance Regulatory and
Development Authority of India (IRDAI),
Sy.No.115/1, Financial District,
Nanakramguda, Gachibowli,
Hyderabad – 500 032.

4.Priya

... Respondents



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Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 herein to recover the entire claim amount of Rs.50,00,000/- (Fifty Lakhs Only) paid to Mrs.Priya, the fourth respondent herein and further direct the respondents 1 to 3 to deposit the entire amount recovered from the fourth respondent in the Jurisdictional Principal District Court to decide all the questions relating to the disbursal of the claim amount as per Section 47 of the Insurance Act, 1938 by considering the petitioner's representation dated 29.04.2023.

For Petitioners : Mr.S.Senthil

For Respondents : Mr.I.Abrar Md. Abdullah for R4

O R D E R

W.M.P.No.17391 of 2023 filed to permit the petitioners to file the writ petition jointly is allowed, subject to payment of separate sets of court-fee by the petitioners within two weeks from the date of receipt of a copy of this order. In default of compliance, the order passed in the writ petition shall be applicable only to the first petitioner.

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2.The petitioners have filed this writ petition seeking issuance of Writ of Mandamus to direct the respondents 1 to 3 to recover the entire claim amount of Rs.50,00,000/- (Rupees Fifty Lakhs Only) paid to Mrs.Priya, the fourth respondent and further direct the respondents 1 to 3 to deposit the entire amount recovered from the fourth respondent in the Jurisdictional Principal District Court to decide all the questions relating to the disbursal of the claim amount as per Section 47 of the Insurance Act, 1938 by considering the petitioner's representation dated 29.04.2023.

3.The case of the petitioners is that the petitioners are mother and son of one Balamurugan who died on 07.05.2022 and the fourth respondent is the wife of the said Balamurugan. During his lifetime the said Balamurugan had insured his life for a sum of Rs.50 Lakhs and after his death, the entire claim amount was paid into the Bank account of the fourth respondent. Aggrieved by the same, the petitioners have filed this writ petition for the aforesaid relief.

4.The learned counsel appearing for the petitioners submitted that since the entire amount has been disbursed in favour of the



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fourth respondent, this Court may grant liberty to the petitioners to approach the competent civil Court for appropriate remedy.

5.In view of the above, this writ petition stands disposed of with liberty to the petitioners to approach the competent civil Court as against the fourth respondent for appropriate remedy. No costs.

28.06.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

- 1.The Chief Customer Officer,
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Haryana.
- 2.The Assistant Manager – Claims,
Max Life Insurance Company Ltd.,
Plot No.90A, Sector 18,
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- 3.The Insurance Regulatory and
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