



W.P.No.16368 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.16368 of 2020

K.Alamelu

... Petitioner

Vs.

- 1.The Branch Manager,
Life Insurance Corporation of India,
Near Tansi and R.D.O. Office,
West Main Road, Mettur Dam – 636 401,
Salem District.
- 2.The Manager (CRM),
Life Insurance Corporation of India,
Divisional Office, Johnson Pet, Salem – 636 007.
- 3.The Divisional Manager,
Life Insurance Corporation of India,
Divisional Office, Johnson Pet, Salem – 636 007.

4.S.Rajeswari

... Respondents

[R4 impleaded as per order dated 21.06.2023 made
in W.M.P.No.2598 of 2021 in W.P.No.16368 of 2020]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 20.10.2020 and disburse the claim



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amount as per two policies (Policy Nos.703372678, 703359360) considering petitioner legal heir certificate.

For Petitioner : Mr.SP.Yuaraj

For Respondents : Mr.M.Vijayaraghavan
for M/s.M.B.Gopalan Associates
[R1 to R3]
Mr.C.Prabakaran [R4]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 20.10.2020 and disburse the claim amount as per two policies (Policy Nos.703372678, 703359360) considering petitioner legal heir certificate.

2. The case of the petitioner is that, she is a senior citizen and her son died on 30.08.2020. Prior to his death, he had taken two policies with the first respondent by nominating his wife as nominee, fourth respondent herein. Subsequent to the marriage between the petitioner's son and the fourth respondent, the fourth respondent filed a petition to dissolve the marriage between them in F.C.O.P.No.235 of 2018 on the file of the Family Court, Erode. On 06.02.2019, divorce was also granted, in which, the fourth respondent has specifically stated in her cross examination that she will not



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claim any amount from her deceased husband. Thereafter, the petitioner made a representation dated 20.10.2020 before the respondents 1 to 3 to claim the insurance amount. However, the respondent-Insurance Company failed to pay the insurance amount to the petitioner even though there is no relationship between her deceased son and the fourth respondent. Hence, the petitioner has filed the above writ petition before this Court for appropriate directions.

3. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court, issues a direction to the respondents 1 to 3 to consider the petitioner's representation dated 20.10.2020 and disburse the claim amount as per two policies, within a time frame that may be stipulated by this Court.

4. The learned counsel appearing for the respondents 1 to 3 submits that, since there was a dispute between the petitioner and the fourth respondent, the insurance amount was not paid to the petitioner. However, if there is no dispute between the parties, insurance amount will be paid to



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the eligible person.

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5. The learned counsel appearing for the fourth respondent submits that, the fourth respondent did not dispute the fact that there was a divorce in between the petitioner's son and herself.

6. Admittedly, the fourth respondent had already got divorce from the petitioner's son, thereby, she has no locus-standi to claim any insurance amount from the respondent-Insurance Company. Though she was nominated as nominee by her deceased husband, however, the same goes along with the divorce between herself and her husband since she had stated in her cross examination that, she will not claim any amount from her husband. Hence, there is no impediment for the respondent-Insurance Company to pay the insurance amount to the petitioner.

7. In view of the above, this Court, directs the respondents 1 to 3 to disburse the claim amount as per two insurance policies in Policy Nos.703372678 and 703359360 to the petitioner, within a period of four (4) weeks from the date of receipt of a copy of this order.



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8. With the above observations and directions, the Writ Petition is disposed of. No costs.

21.06.2023
(2/2)

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

To

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M.DHANDAPANI, J.

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