



W.P.(MD) No.3008 of 2022.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD) No.3008 of 2022

and

W.M.P(MD)No.11622 of 2023

and

W.M.P(MD)No.12274 of 2023

Meenakshi

.. Petitioner

Vs.

- 1.The Union of India,
Rep by its Secretay to Government,
Minitstry of Finance,
Jeevan Deep Building,
Parliament Street,
New Delhi-1.
- 2.The Reserve Bank of India,
Rep by its Assistant General Manager,
Main Building,
Post Box No.901,
Sahid Bhagatsingh Road,
Mumbai-400 001.
- 3.The Reserve Bank of India,
Rep by its General Manager,
No.16, Rajaji Salai,
Chennai.



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4.The General Manager,
Bajaj Alliance Insurance Company Ltd.,
Airport Road,
Airvada,
Pune-411 006.

.. Respondents

5.Prema
(R5 impleaded vide
order dated 21.06.2023 in W.M.P(MD)No.
12274 of 2023)

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 1 to 3 to direct the fourth respondent herein to given the Group Term Life Insurance Policy amount of her deceased husband which was made in the fouth respondent insurance company in the name of the petitioner's deceased husband namely Selvakumar in accordance with law, in the light of the petitioner's representation dated 14.02.2022 within prescribed time fixed by this Court.

For Petitioner	:	Mr.S.Sundarapandian
For R1 & R3	:	Dismissed
For R4	:	Mr.N.Shyllappa Kalyan

ORDER

Even before entering into a discussion on the facts as averred in the affidavit, it must be stated that the petitioner had apparently implead the respondents 1 to 3 only to give a colour of maintainability to the writ



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petition. None the respondents 1 to 3 have a role to play in determining the issues raised in the writ petition. As a matter of fact, quite strictly, the deceased husband of the writ petitioner Selvakumar and the fourth respondent, Bajaj Alliance Insurance Company Ltd., had a relationship as insurer and insured which is governed under the law of contracts. The scope of interference in a writ petition under Article 226 of the Constitution of India is very narrow.

2.Since the respondents 1 to 3 are unnecessary parties to the writ petition, straight-away the writ petition stands dismissed as against the said respondents. Let me proceed to examine whether any relief could be granted to the petitioner herein. It is an admitted fact as stated by the learned counsel for the fourth respondent that the insurance policy had actually been taken by the deceased Selvakumar. The amount which is now available and which has to be paid consequent to such policy is Rs.13,87,365/-. For reasons best known to him, over looking his own wife, he has nominated his father, S.Periyakaruppan and his mother Mrs.Prema as nominees to receive the amount, incase they have to pay to



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the legal heirs owing to any eventuality. Such eventuality has now arisen.

The fourth respondent should recognize that the petitioner as a widow has a right to claim a share in the said amount. The naming of nominees is only for abandon caution that the amount is disbursed to some individual with a corresponding responsibility on the said individual to disburse the same in the proper ratio to all those who are legally entitled to.

3.In the instant case, the mother of the deceased Selvakumar is entitled to one $\frac{1}{2}$ share. The petitioner/ widow is entitled to another $\frac{1}{2}$ share. The fourth respondent is therefore, directed to proceed to disburse the amount in two equal instalments once each to the mother of the deceased Mrs.Prema and to the petitioner Meenakshi. The father of the deceased S.Periyakaruppan must have the responsibility to ensure that his daughter-in-law does not suffer economically owing to the death of his son. A further responsibility is caused on the petitioner herein to ensure that if she has any minor children to deposit their share in fixed deposit to ensure security of their future.



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4.The fourth respondent is directed to disburse the available amount of Rs.13,87,365/- after ensuring the presence of the mother of the deceased Mrs.Prema and the petitioner herein Mrs.Meenakshi and disburse it in two equal shares to both of them. The father of the deceased is not entitled to any share, since he is not a class-I legal heir of the deceased.

5.In view of the nature of the order passed, though the writ petition stands dismissed as against the respondents 1 to 3 and it is disposed of as against the fourth respondent. No costs.

6.Further, the petitioner had also filed W.M.P(MD)No.11622 of 2023 to implead S.Periyakaruppan, the father of the deceased Selvakumar. He is not a necessary party. The said miscellaneous petition is dismissed.

7.The petitioner had also filed W.M.P(MD)No.12274 of 2023 to implead Mrs.Prema, the mother of the deceased Selvakumar. She is a



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necessary party. This petition is allowed. Registry may carryout the necessary amendment in the cause title by impleading Mrs.Prema as further respondent in the writ petition before issuing the order copy.

21.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
Ns



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C.V.KARTHIKEYAN, J.
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Dated: 21.06.2023