



W.P.(MD)No.21257 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :30.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.21257 of 2016
W.M.P(MD).No.15193 of 2016

S.Sugapriya

... Petitioner

Vs.

1. The Branch Manager,
Life Insurance Corporation of India,
Madurai Division – 3,
Motta Gopuram,
Madurai.

2. C.Rajendran

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent herein to disburse the amounts in respect of the petitioner's share in respect of the Policy No.744962025 entered into by the petitioner's late husband with the first respondent.



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For Petitioner :Mr.C.Jeganathan

For Respondents :Mr.G.Prabhu Rajadurai for R1
Mr.R.Murali for R2

ORDER

The petitioner seeks a direction to the Life Insurance Corporation of India, Madurai Division-3, to disburse the petitioner's share in respect of the amounts payable under Policy No.744962025.

2. The petitioner is the wife of one Sasikumar. He died on 24.05.2016. Prior to the marriage, he had applied for and obtained a Life Insurance Policy for a sum of Rs.5,00,000/- (Rupees Five Lakhs only) by naming his brother/second respondent as the nominee. Upon his death, the petitioner submitted a representation dated 07.06.2016 to the first respondent and claimed that she is entitled to the amounts payable under the policy.



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3. Learned counsel for the petitioner submits that the petitioner is entitled to her share in the amounts payable under the policy.

4. Learned counsel for the Life Insurance Corporation of India submits that there is a dispute between the petitioner and the second respondent with regard to the person entitled to such amount. Consequently, it is stated that the claim of the petitioner was rejected and the petitioner was directed to obtain a succession certificate from the jurisdictional court.

5. From the facts on record, it appears that there are rival claims by the petitioner and the second respondent. It also appears that divorce proceedings were instituted by the petitioner's husband against her. In view thereof, the first respondent is justified in requiring that the parties produce a succession certificate.

6. Accordingly, W.P(MD).No.21257 of 2016 is disposed of by leaving it open to the petitioner to submit a fresh claim form to the first



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respondent after obtaining a succession certificate or, in the alternative, by submitting a legal heirship certificate and a no claim certificate from the second respondent. There shall be no order as to costs. Consequently, connected W.M.P(MD).No.15193 of 2016 is also closed.

30.03.2023

NCC :No
Internet :Yes
Index :No
ssb

To
The Branch Manager,
Life Insurance Corporation of India,
Madurai Division – 3,
Motta Gopuram,
Madurai.



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SENTHILKUMAR RAMAMOORTHY, J.

ssb

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