



W.P(MD)No.28590 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28590 of 2023

and

W.M.P.(MD)No.24637 of 2023

R.Kavitha

... Petitioner

Vs.

1.The Branch Manager,
Life Insurance Corporation of India,
Kulithalai Branch,
No.39, Vaigainallur Agraharam,
Kulithalai, Karur District.

2.The Manager (CRM),
Life Insurance Corporation of India,
Divisional Office, Gandhiji Road,
Thanjavur – 613 001.

3.Saroja

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent herein dated 25.10.2023 in respect of Policy No.758545016 under “LIC's NEW MONEY BACK PLAN-20 YEARS



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(WITH PROFITS), quash the same and consequently direct the respondents 1 and 2 herein to forthwith disburse the policy amount accrued under Policy No.758545016 under “LIC's NEW MONEY BACK PLAN-20 YEARS (WITH PROFITS), to the petitioner as per the legal heir certificate of deceased policy holder M.Ramasamy.

For Petitioner : Mr.V.Janakiramulu

For Respondents : Mr.S.Anwar Sameem,
Standing Counsel for R1 & R2.

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for LIC. Issuance of notice to the third respondent is dispensed with.

2.The petitioner is the wife of one Ramasamy. The third respondent is his sister. Ramasamy is no more. Ramasamy had taken policy with LIC. The policy amount has to be disbursed. The petitioner issued legal notice to LIC calling upon them not to make any disbursement in favour of any person. LIC informed the petitioner that since there is valid nomination subsisting, they have to give the money



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only to the nominee. It is this communication that is under challenge in this writ petition.

3.The stand of LIC cannot be faulted. At the same time, it is to be clarified that a nominee cannot walk away with the policy amount. She is in the position of a trustee. She has to expeditiously distribute the policy amount in favour of the legal heirs of the deceased policy holder. If the nominee fails to do so and tries to misappropriate the money, certainly she can be criminally prosecuted for breach of trust. This option is very much open to the petitioner herein. The petitioner can also file a succession original petition for directing the third respondent to disburse the amount.

4.Granted liberty to the petitioner to avail appropriate remedies both civil and criminal, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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NCC : Yes/No
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