

13<sup>th</sup> February,  
2024  
(AK)  
22

**W.P.A 2929 of 2023**

Siddhartha Dutta  
Vs.  
The Life Insurance Corporation of India and others

Mr. Manas Kumar Das  
...for the petitioner.

Mr. Subhankar Chakraborty  
Mr. Saptarshi Bhattacharjee  
Ms. Ruchira Manna  
...for the LIC.

1. The facts of the present case in brief are as follows:
2. The petitioner's elder brother was the employee of the LIC.
3. After the demise of the said employee, the petitioner stakes claim as the heir of the said deceased to the benefits payable to the said deceased upon his demise.
4. Learned counsel for the LIC takes a point that the petitioner is not the nominee of the deceased in his service records and as such, the LIC cannot disburse the amount in favour of a non-nominee.
5. It transpires from the copies annexed to the writ petition that the petitioner has obtained probate of a Will whereby the petitioner has been left as a sole beneficiary of the estate of the said deceased employee.

6. In terms of order of court, the petitioner has impleaded the nominee of the said employee and served a copy of the writ petition on such nominee.
7. However, despite service, the said nominee is not represented.
8. The affidavit-of-service in that regard filed today be kept on record.
9. Since the nominee is not coming up staking a claim to the benefits, there cannot be any justification in indefinitely withholding the amount of benefits payable on the demise of the deceased employee of the LIC.
10. Particularly, since the petitioner cites a probated Will which leaves the entire estate and property of the deceased in favour of the petitioner, it is the petitioner who would ultimately be entitled to the said amounts, although he is not the 'receiving hands', that is, the nominee.
11. Thus, to obviate unnecessary paraphernalia, WPA 2929 of 2023 is disposed of by directing the LIC to disburse of the entire benefits accrued to the deceased late Ashok Kumar Dutta, an employee of the LIC, to the petitioner within three weeks from date.
12. It is, however, made clear that in the event there are any contesting claims by any third parties to the writ petition to the entitlement of the petitioner,

it will be open to the said persons to approach the competent court/forum for making such claims and nothing in this order shall be deemed to prejudice such rights, if otherwise available, of the third parties in any manner whatsoever.

13. It is further clarified that in view of the above directions, the LIC shall not be held responsible or guilty of any negligence for non-compliance of due diligence as expected of it as an insurer in paying the amounts to the writ petitioner.
14. There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

**(Sabyasachi Bhattacharyya, J.)**