



W.P.No.12421 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No. 12421 of 2024
and
W.M.P.No. 13558 of 2024

1.S.Krishnaveni

2.S.Jeshwanth

3.S.Varun Sandesh

...Petitioners

Vs.

1.Life Insurance Corporation of India,
Rep. by its Zonal Manager,
Southern Zonal Office,
LIC Building, Anna Salai,
Chennai - 600 002.

2.The Senior Divisional Manager - cum -
Manager (Establishment and Office Service),
Life Insurance Corporation of India,
Chennai Division - I,
LIC Building, Anna Salai,
Chennai - 600 002.

3.The Chief Manager,
City Branch Colony-15,
No.3, United India Colony, 4th Main Road,
Kodambakkam, Chennai - 600024.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus calling for the records order bearing Ref.No. NIL dt.21.09.2023 and 22.09.2023 passed by the 3rd respondent insofar as the 2nd respondent had directed the petitioners to get succession certificate from competent court and to quash the same as being unwarranted, arbitrary and contrary to law and for a consequential direction to the respondent to settle the death-cum- terminal benefits payable on the demise of S.Hariprasad SR.No.583446 within a time frame to be fixed by this Court together with the interest at 18% per annum from 11.05.2023 till the date of actual payment.

For Petitioners : Mr.V.Govardhanan

For Respondents : Mr.C.K.Chandrasekar for R1 to R3

ORDER

T/he Writ Petition is filed for a certiorarified mandamus challenging the orders of the 3rd respondent dated 21.09.2023 and 22.09.2023 and consequentlly to settle the death-cum-terminal benefits payable on the demise of S.Hariprasad within such time as may be directed by this Court with further interest.



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2.The case of the petitioners is that the 1st petitioner is the mother of Hariprasad and 2nd & 3rd petitioners are the sons of the said Hariprasad. He was working as an Assistant in the 1st respondent Organization and while so, he died in harness while in service on 10.05.2023. Even before the death of the said Haripasad, he got divorce from his wife namely, S.Preethi. The said S.Preethi filed H.M.O.P.No.1797 of 2019 and the same was decreed by the III-Additional Family Court at Chennai dated 12.03.2021. Therefore, when the said S.Preethi has since been divorced even during the life time of the said Hariprasad, it is only the three petitioners alone who are legal heirs. As per the rules, the respective terminal benefits, pension etc., has to be disbursed only to the petitioners and the respondent Organization is not justified in insisting upon a succession certificate from a Court of law.

3.The Writ Petition is resisted by the respondents. The learned counsel appearing on behalf of the respondents would submit that when it is the claim of the petitioners that there is a decree of divorce, when the



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nomination form has not been changed by the Employee till his death, the respondent Corporation is right in directing the petitioners to obtain a succession certificate from a court of law. Only in view of the special facts and circumstance of the case, the production of succession certificate is insisted upon and therefore, the impugned order need not be interfered with.

4.I have considered the rival submissions and persued the materials available in the case.

5. The first fact which has to be noted in the instance case is that there is no any rival claim from the nominee, wife / Preethi. Secondly, the decree and judgment of the III-Additional Family Court, Chennai dated 12.03.201 is produced before the respondents. The pronouncement of a Family Court with reference to the marital status is considered to be a judgment in rem and upon being production, the same has to be acted upon by the respondent Corporation. Therefore, considering the facts and circumstances of the instant case, I am of the view that the respondents are not justified in insisting upon a succession certificate from a Court of law.



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Therefore, as per their rules, whatever the benefits that have to be paid to all the three petitioners have to be paid.

6.In view of the same, this Writ Petition is allowed on the following terms:-

i) the impugned orders dated 21.09.2023 & 22.09.2023 shall stand quashed.

ii) The respondents are directed to disburse of the death-cum-terminal benefits which are payable in respect of the death of Hariprasad, Assistant, SR.No.583446 to the petitioners and disburse all the arrears within a period of twelve weeks from the date of receipt of a copy of this order, as per their rules and procedure.

iii) It is needless to state that the respondents shall deduct the amount of LIC, Employees Co-operative Bank dues, PF loans and Festival advance dues and the balance shall be disbursed.

iv) If the amount is not disbursed within a period of twelve weeks from the date of receipt of a copy of this order thereafter, the same shall carry further interest at the rate of 6% per annum from the dates on which



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the amount became due till the date of disbursement.

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v) The petitioners shall also execute such discharge voucher as in the relevant format as may be insisted upon by the respondents.

7. This Writ Petition is allowed with the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

20.06.2024

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Internet: Yes

Index: No

Speaking

Neutral Citation : Yes



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D.BHARATHA CHAKRAVARTHY, J.

KKN

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