



W.P.No.24023 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.24023 of 2024
and W.M.P.Nos.26280 and 26282 of 2024**

1.S.Krithika

2.Minor S.Rudhvik

Rep. by his natural guardian and mother
S.Krithika

... Petitioners

Vs.

1.The Regional Manager
Southern Region,
Life Insurance Corporation of India,
102, Anna Salai, Triplicane,
Chennai, Tamil Nadu 600 002.

2.The Divisional Manager
Division II
Life Insurance Corporation of India,
C-47 II Avenue, Anna Nagar Plaza,
Anna Nagar, Chennai - 600 040.

3. The Administrative Officer,
Life Insurance Corporation of India
CBO-20, United India Building, Ground Floor,
No.8, Esplanade Road, Chennai - 600 104.



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4.S.Swaminathan

5.Savithri

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 3rd respondent to forthwith disburse the Death Benefits Claim under the LIC Policy No.719269890 to the petitioners 1 and 2 and 5th respondent equally (1/3rd share each).

For Petitioner : Mr.P.Saravana Sowmiyam

For Respondents : Mr.S.P.Patel for R1 to R3

O R D E R

This Writ Petition has been filed to direct the 3rd respondent to forthwith disburse the Death Benefits Claim under the LIC Policy No.719269890 to the petitioners 1 and 2 and 5th respondent equally (1/3rd share each).

2. Learned counsel for the petitioner would submit that the 1st petitioner was married to one Shyam Swaminathan on 16.09.2013 as per the Hindu Rites and Customs and the same was registered under Tamilnadu Registration of Marriages Act, 2009. Out of the said wedlock, a male child



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was born to them on 28.10.2014 namely S.Rudhvik, the 2nd petitioner.

The 1st petitioner's husband died on 16.07.2024 leaving behind his wife, son and the 5th respondent, the mother of the deceased as his surviving Class I Legal heirs. The legal heir ship certificate is yet to be issued to them. He further submitted that the 1st petitioner's husband was working in Malaysia since 2007 and then shifted to USA in the year 2017 in connection with his job. After the marriage, she also moved to Malaysia along with her husband and thereafter to USA. The 1st petitioner got job and started to work in USA.

(ii). Before their marriage, the 1st petitioner's husband took a LIC Policy with the 3rd respondent namely LIC “Jeevan Tarang” for a sum assured of Rs.10 lakhs bearing Policy No.719269890 commencing on 28.04.2010 and the date of last payment is 28.04.2019 and he appointed his father, the 4th respondent as his nominee. After the demise of the 1st petitioner's husband, the 1st petitioner approached the 3rd respondent to settle the claim as per Hindu Succession Act, 1956 and the Insurance Act, 1938. But the 3rd respondent orally informed the 1st petitioner that since the 4th



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respondent is appointed as nominee, the claim will only be settled in favour of him. Immediately, she made a representation dated 08.08.2024 to the 3rd respondent to settle the claim in favour of the legal heirs of her deceased husband, but no action has been taken till then. Hence, the present writ petition.

3. Learned counsel appearing for the respondents 1 to 3 would submit that if the petitioners appear before the 3rd respondent along with the legal heir ship certificate and claim petition, they will disburse the Death Benefits claim of the deceased to the legal heirs of the deceased.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent and this Court had perused the materials available on record.

5. Considering the facts and circumstances of the case that the 1st petitioner's husband died intestate, his legal heirs are entitled to the benefits payable under the Hindu Succession Act, 1956. Therefore, the petitioners are entitled to 2/3rd share and the remaining 1/3rd share to the 5th respondent. In such view of the matter, the petitioners and the 5th respondent are directed



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to appear before the 3rd respondent along with the legal heir certificate and claim petition and the 3rd respondent is directed to disburse the death benefits of the deceased in under the LIC Policy No.719269890 to the 1st and 2nd petitioners and to the 5th respondent equally (1/3rd share each) in the manner known to law.

6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

20.08.2024

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
msv

To

1.The Regional Manager
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Life Insurance Corporation of India,
102, Anna Salai, Triplicane,
Chennai, Tamil Nadu 600 002.

2.The Divisional Manager
Division II



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M.DHANDAPANI, J.

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