



WEB COPY



WA No.2854 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE  
AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

**WA No.2854 of 2024**

T.Kalivani

... Appellant

versus

1.The Branch Manager,  
Tambaram, LIC Branch,  
No.8, Yehumalai Street,  
17, Shanmugam Road,  
West Tambaram, Chennai.

2.C.Saraswathy

...Respondents

**PRAYER:** Writ Appeal filed against the order of the learned Single Judge  
in WP No.23023 of 2024 dated 13.08.2024.

For the Appellant

:Mr.P.Arumugam

**JUDGMENT**

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(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The Writ Appeal is filed against the order of the learned Single Judge in WP No.23023 of 2024 dated 13.08.2024.

2. The appellant has filed the writ petition seeking to dispose of her representation dated 13.06.2024 for release of the appellant and the appellant's daughter share from the policy amount Rs.50,00,000/- in Policy number 706512016, Tambaram L.I.C. Branch, Tambaram, Chennai. The writ court, dismissed the writ petition with liberty to the appellant to file a civil suit as against the second respondent herein as well as the first respondent LIC with regard to the share of the appellant and her daughter in the LIC policy secured by her deceased husband before the competent civil court in the manner known to law. Challenging the same, the appellant has filed the present writ appeal.

3. A Division Bench of this Court in W.P.No.13519 of 2024 dated



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05.06.2024, (in which one of us (A.C.J.) was a member), has considered the similar issue with regard to dispute among the legal heirs of the deceased employee for entitlement of retirement benefit or death cum retirement gratuity (DCRG) and observed as follows:

*'8. Admittedly, the first petitioner is the second wife of the deceased S.Pandurangan and her marriage with him was solemnized, during the life time of his first wife. Even though the first petitioner and her two children, viz., the second and third petitioners are the only surviving legal heirs of the deceased government employee, the issues with regard to the right of getting DCRG and pension by the first petitioner, can be adjudicated only by the competent civil court. In such circumstances, we are of the view that this Court sitting under Article 226 of the Constitution of India, cannot go into the above issues. Hence, we are not inclined to entertain this writ petition. However the petitioners are at liberty to approach the competent civil court to substantiate their right.*

*9. With the above liberty, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed'*

4. Since the issue on hand has already been decided in the aforesaid judgment, we have no hesitation to come to a conclusion that the remedy of



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the appellant is only before the competent civil court, if so advised.

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5. In view of the above, there is no warrants to interfere with the order of the learned Single Judge in WP No.23023 of 2024 dated 13.08.2024. There is no merits in the writ appeal. Consequently, the writ appeal stands dismissed. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)  
23.09.2024

Index : Yes/No  
Neutral Citation : Yes/No  
mrn  
To

1.The Branch Manager,  
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**THE HON'BLE ACTING CHIEF JUSTICE**  
**and**  
**P.B. BALAJI, J.**

**(mrn)**

**WA No.2854 of 2024**

**23.09.2024**