



W.P.(MD).No.977 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :14.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.977 of 2024

and

W.M.P(MD)No.1004 of 2024

Maria Pravina Santhiagu

... Petitioner

vs.

1.The Zonal Manager,
Life Insurance Corporation of India,
Jeevan Prakash,
Bridge Station Road,
Sellur,
Madurai-625 002.

2.The Branch Manager,
Life Insurance Corporation of India,
No.1, Periyakulam Salai,
Bhatlagundu,
Dindigul District-624 202.

3.V.Lawrence Raja

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to disburse the deposited amount in respect of LIC Policy Nos.748073750 & 746324457 taken in the name of petitioner's deceased



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husband Late.V.Robert son of S.Vincent to the petitioner, her minor daughter namely Siyona and the petitioner's deceased husband's mother namely Flora Angel Mary within stipulated time fixed by this Court.

For Petitioner	: Mr.S.Vanchinathan
For R1 & R2	: Mr.G.Prabhu Rajadurai Standing Counsel
For R3	: Mr.S.Lawrance Vimal Raj

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 herein to disburse the deposited amount in respect of LIC Policy Nos.748073750 & 746324457 taken in the name of petitioner's deceased husband Late.V.Robert son of S.Vincent to the petitioner, her minor daughter namely Siyona and the petitioner's deceased husband's mother namely Flora Angel Mary within stipulated time fixed by this Court.

2.Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents 1 & 2 and the learned counsel appearing for the third respondent.



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3. The case of the petitioner is that on 03.12.2023 the petitioner's husband was met with a road accident while he was going to the night duty and he sustained severe injuries and admitted in the Government Hospital, Dindigul and thereafter, her husband was shifted to Government Hospital, Madurai and subsequently he died on 04.12.2023. After the demise of her husband, she approached the second respondent about two LID Policies taken by her husband in the second respondent office. But the second respondent has refused to disburse the amount stating that the third respondent name was mentioned as nominee and hence, the petitioner is not entitled to receive the deposit amount. After the demise of her husband, the third respondent has taken the original deposit bonds. The second respondent has informed her that he would disburse the amount to the third respondent. The petitioner, her minor daughter and her mother-in-law are the legal heirs of her husband. Her husband has put the name of the third respondent as Nominee in the deposits even before their marriage. While so, the petitioner has sent a legal notice to the second respondent on 03.01.2024 by RPAD, requesting them not to disburse the above mentioned amounts to the third



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respondent herein and to disburse the same to the petitioner. She is only Class-I legal heir of her deceased husband as per Hindu Succession Act. The second respondent has received the Notice on 09.01.2024 and there is no reply. Even after receipt of her legal notice, the second respondent has not disburse the amounts. Hence, the petitioner has filed this writ petition with the aforesaid period.

4. The learned Standing Counsel appearing for the respondents 1 & 2 would submit that appropriate direction may be given to the respondents 1 & 2 to consider the petitioner's request in accordance with law, within a time frame.

5 Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the respondents 1 & 2 to consider the petitioner's request and pass orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

Index:Yes/No
NCC:Yes/No
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V.BHAVANI SUBBAROYAN,J.

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