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W.P(MD)No.6437 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6437 of 2024

and

W.M.P.(MD)No.6020 of 2024

K.A.Sumathy

... Petitioner

Vs.

1.The Life Insurance Corporation of India,
Rep. by its Zonal Manager,
LIC Southern Zonal Office,
Chennai.

2.The Manager (Claims)
Life Insurance Corporation of India,
Vellore Divisional Office,
Vellore.

3.The Chairman,
Life Insurance Corporation of India,
Yogakshema, Jeevan Bima Marg,
Po Box No.19953, Mumbai-400 021.
(R3 is impleaded vide order dated 12.04.2024
in W.M.P.(MD)No.8341 of 2024)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in Impugned order in Ref.Do/Claims dated 12.12.13 on the file of the 2nd respondent and quash the same and further



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directing the respondents to disburse the policy amount in Policy No. 318327103 on account of the death of the petitioner's husband.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.D.Shanmugaraja Sethupathi

ORDER

After hearing both sides, I am of the view that the petitioner should exhaust her remedy before the Chairman, LIC of India. The petitioner's husband had taken policy on 15.07.2020. The basic sum assured was Rs.12,00,000/-. Premium was payable for every quarter. The petitioner's husband had remitted the premium for the first seven quarters. The 8th quarter fell on 15.10.2022. He did not pay the premium within 30 days. The policy technically lapsed on 15.11.2022. He had remitted the premium on 22.11.2022 and thus, the policy was revived. The petitioner's husband committed suicide on 15.11.2023. This was within twelve months from the date of revival. Invoking the Suicide Exclusion clause, only an amount of 80% of the premium was paid by the insurer. Challenging the stand taken by the second respondent, the present writ petition came to be filed.



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2. The learned standing counsel for LIC relied on the decision of the Hon'ble Supreme Court of India in Reliance Life Insurance Company Limited vs. Jaya Wadhvani dated 03.01.2024.

3. I am of the view that considering the special facts and circumstances of this case, I need not go into the merits of the matter for the present. I leave open all the contentions of the petitioner. The petitioner is permitted to move the third respondent seeking ex-gratia payment. The petitioner is granted liberty to move the third respondent by filing an appropriate petition in this regard. If any such petition is filed within four weeks from the date of receipt of a copy of this order, the third respondent is directed to take a call in the matter. The third respondent will dispose of the petitioner's request within a period of twelve weeks after receipt of the request of the petitioner herein. I have not gone into the merits of the matter. If taking into account the special facts and circumstances of this case, the third respondent decides to show indulgence in favour of the petitioner, that will only be an act of special benevolence exclusively meant for the petitioner and it cannot be cited by any third party. If similar cases come up for consideration, the order of the third respondent will not be cited as a precedent.



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G.R.SWAMINATHAN, J.

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4. With this liberty to the petitioner and direction to the third respondent, the Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 07.06.2024

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