



W.P(MD)No.31230 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.31230 of 2023

Mahalakshmi

.. Petitioner

-Vs-

The Chief Operating Officer,
Canara HSBC OBC Life Insurance Company Limited,
ATP Tower, IIIrd Floor,
27/12A-Bye Pass Road,
Madurai-625 010.

.. Respondent

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to disburse the petitioner's policy amount for a sum of Rs. 2,00,392.93(Rupees Two Lakhs Three Hundred and Ninety Two and Ninety Three Paise only) vide policy plan Canara HSBC Oriental Bank of Commerce Life Insurance Pension 4 Life Plan and Policy No.0106726318 on the file of the respondent within the time limit as may be fixed by this Court.



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For Petitioner : Mr.S.Jayakumar

For Respondents : No appearance

ORDER

This petition has been filed for issuance of a Writ of Mandamus, directing the respondent to disburse the policy amount of the petitioner's father, for a sum of Rs.2,00,392.93 (Rupees Two Lakhs Three Hundred and Ninety Two and Ninety Three Paise only) vide policy plan Canara HSBC Oriental Bank of Commerce Life Insurance Pension 4 Life Plan and Policy No.0106726318 on the file of the respondent within the time frame.

2. Heard the learned counsel for the petitioner. Though notice was served to the respondent Bank and the respondent's name was printed in the cause list, there is no appearance on behalf of the respondent Bank. Hence, the appearance of the respondent is dispensed with.

3. The case of the petitioner is that her father namely Solairaj, son of Nagaiyan took annuity plan vide Policy No.0106726318 under policy plan Canara HSBC Oriental Bank of Commerce Life Insurance Pension 4 Life



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Plan from the respondent Bank for a sum of Rs.2,00,392.93(Rupees Two Lakhs Three Hundred and Ninety Two and Ninety Three paise only). The policy commencement date was 26.03.2020 and the annuity commencement date was 25.04.2020. Thereafter, the petitioner's father was being paid Rs.1,500/- per month by the respondent till his death on 17.04.2023. After his death, the policy amount is liable to be paid to the nominee/the petitioner's mother Backiam. But her mother was died on 02.05.2022, ie., prior to her father's death, she died. Hence, the petitioner and her sister Venkateswari being the legal heirs to their parents are entitled to get the said policy amount. In this regard, the petitioner approached the respondent Bank on 01.07.2023 and also produced the consent letter from her sister Venkateswari and other relevant documents as requested by the respondent Bank. But the respondent did not consider the same and did not disburse the said policy amount till date without any reason. Since the petitioner and her sister are in need of money, the petitioner is constrained to file this writ petition.

4. In view of the above this Court directs the petitioner to file the indemnity bond for herself and her sister before the respondent Bank and



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after receiving the indemnity bond, the respondent bank shall disburse the policy amount by following the procedures. If there is any problem arises in future regarding the disbursement of the policy amount, the petitioner shall approach the competent forum and the bank is not answerable and held liable.

5. With the above direction, the writ petition stands disposed of. No costs.

13.02.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
PJJ

Copy to:

The Chief Operating Officer,
Canara HSBC OBC Life Insurance Company Limited,
ATP Tower, IIIrd Floor,
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V.BHAVANI SUBBAROYAN, J.

PJL

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