30.06.2025.
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Ct.No.7.
as

WPA 24928 of 2022

Priyanka Bothra (Mondal)
Vs.
Union of India & Ors.

Mr. Amal Mukhopadhyay,
Mr. Palash Chakraborty.
Mr. Pinaki Bhattacharyya,
Ms. Priti Dutta.
...for the Petitioner.
Mr. Soumalya Ganguli.

...for the Respondent No.5.

1. Despite service, the Life Insurance Corporation of India (in short LICI) and its functionaries are unrepresented.

2. The present writ petition has been filed seeking a direction upon the concerned respondents to release the benefits under LIC Policy No. 494800555, together with the interest accrued on the maturity amount, in favour of the beneficiaries.

3. Mr. Mukhopadhyay, learned Advocate representing the petitioner, submits that during his lifetime, one Amit Bothra had purchased LIC Policy No. 494800555 through the Burrabazar Branch of Life Insurance Corporation of India, Kolkata. Subsequently, Amit Bothra passed away, leaving behind the petitioner and a minor male child born to them on 3rd December, 2014, as his surviving beneficiaries. The beneficiaries named in the said policy were the petitioner and the minor child; however, private respondent No. 5 was

appointed as the nominee under the policy. The petitioner, being one of the beneficiaries as well as the guardian of her minor child, submitted an application to the LIC authorities seeking release of the maturity proceeds along with the accrued interest in their favour. Notwithstanding this, by an order dated 28th October, 2022, the Branch Manager rejected the petitioner's claim on the ground that, in terms of the provisions of Section 39 of the Insurance Act, 1938, LICI is legally obligated to pay the death claim solely to the recorded nominee.

4. Mr. Mukhopadhyay further submits that a Co-ordinate Bench of this Court had the occasion to deal with a similar situation, wherein the Bench directed LICI to disburse the amount due upon the demise of the petitioner's deceased husband in favour of the beneficiary. In support of his contention, he relies on a decision reported in *(2024) 3 CHN (CAL) 134 (Seuli Maity vs. The Life Insurance Corporation of India).*

5. Mr. Ganguly, learned Advocate appearing for private respondent No. 5, the recorded nominee, submits that the nominee has no objection to the release of the matured amount or any other benefits under the LIC policy in favor of the beneficiaries. He further submits that the recorded nominee has already handed over all relevant documents pertaining to the insurance policy to the petitioner, who is one of the beneficiaries under the said policy.

6. Having heard the learned Advocates appearing for the respective parties and upon perusal of the materials on record,

particularly noting the stand taken by the recorded nominee, and applying the principle laid down in the judgment of *Seuli Maity* (supra) by a Co-ordinate Bench of this Court, with which I am in full agreement, I am inclined to dispose of the writ petition by directing respondent No. 3 to release all admissible benefits under LIC Policy No. 494800555 in equal shares in favour of the petitioner, Ms. Priyanka Bothra (Mondal), and her son, Avanish Bothra, within a period of four weeks from the date of receipt of a certified copy of this order. It is ordered accordingly.

7. With this observation and order, this writ petition is, thus, disposed of.

8. There will be no order as to costs.

(Partha Sarathi Chatterjee, J.)