



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3607 OF 2025

(Mrs. Mamta Suraj Wankhade & Anr. Vs. Sau. Lata Arunrao Wankhade & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Y.D. Nagpure, Counsel for the petitioners.

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CORAM : ANIL L. PANSARE, J.
JULY 14, 2025

The proceeding arises out of a life insurance policy drawn by the predecessor of the petitioners and respondent no.1. One Mr. Suraj expired of brain stroke. Petitioner no.1 is his wife, petitioner no.2 is his daughter, respondent no.1 is his mother and respondent no.2 is the Insurer. The policy was for Rs.2 crore. Respondent no.1 filed a suit claiming 1/3rd share in the amount of compensation.

2] I am informed that 2/3rd amount has been released in favour of the petitioners. Thus, the dispute pertains to the entitlement of respondent no.1 to 1/3rd amount.

3] The argument is that in terms of Section 39 of the Insurance Act, 1938, only the petitioners, who were the nominees to the policy, are entitled for payment, and other legal heirs are not.

4] I need not go into this controversy inasmuch as by way of interim relief, the petitioners are seeking final relief. If, at interim stage, it is to be held that it is

only the petitioners, who are entitled for the amount of policy, the suit itself shall stand decided.

5] That being so, and since both the Courts below have rendered a concurrent finding against the petitioners, and since the petitioners have already received 2/3rd of the policy amount, I am not inclined to entertain the petition.

6] Accordingly, keeping open all points, the petition is dismissed.

(ANIL L. PANSARE, J.)

Sumit