



Writ Petition No.22311 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Writ Petition No.22311 of 2025

and

W.M.P.Nos.25117 & 25122 of 2025

1.S.Bhakyalakshmi
W/o.G.Sathish Kumar

2.S.B.Makizhiniyal (Minor aged 6 months)
D/o.G.Sathish Kumar
represented by the Natural Guardian
Mother S.Bhagyalakshmi

... Petitioners

Vs

1.The Branch Manager,
Life Insurance Corporation of India,
Esplanade Branch,
No.8, United India Building,
2nd Floor, Near Kuralagam,
Esplanade, Chennai - 600 104.

2.The Manager (Claims),
Life Insurance Corporation of India,
C-47, II Avenue, Anna Plaza,
3rd Floor, Chennai Divisional Office II,
Anna Nagar, Chennai - 600 040.

3.G.Kalavathi
W/o.Gunasekaran

... Respondents



Writ Petition No.22311 of 2025

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to disburse the assured claim amount arising from policies bearing Nos.717910069, 707166354, 707166355, 708788366, 708788367, 708788368, 7087180821, 708780822 accrued on the death of the first petitioner's husband Mr.G.Sathish Kumar on 04.02.2025 to the petitioners 1 and 2 and the third respondent in equal shares within a time frame fixed by this Court.

For Petitioners : Ms.M.N.Sumathy

For Respondents : Ms.Abitha Raveendran
for Mr.S.S.Swaminathan [R1 & R2]
Mr.Subramanian Vaidyanathan [R3]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing respondents 1 and 2 to disburse the assured claim amount arising from eight policies on account of the demise of the first petitioner's husband on 04.02.2025 and thereby, pay 1/3 share each in favour of the two petitioners and the third respondent.

2. The case of the petitioners is that the first petitioner's husband G.Sathish Kumar had subscribed to 8 LIC policies for various assured sum. He had nominated his mother, who is the third respondent in the writ petition,

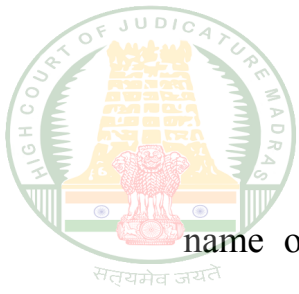


as the nominee in all the policies except one policy in Policy No.717910069.

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The first petitioner was married to the said Sathish Kumar in the year 2023 and through the wedlock, the second petitioner was born. Unfortunately, the first petitioner's husband committed suicide on 04.02.2025. After the demise of the first petitioner's husband, the third respondent, who is the mother of the deceased, has submitted claim forms for the assured claim amount. On enquiry, the petitioners were informed that the third respondent alone is entitled for the claim amount. Hence, legal notice was issued on behalf of the petitioners and there was no response and steps were taken to disburse the assured claim amount to the third respondent. It is under these circumstances, the present writ petition came to be filed before this Court.

3. The respondents 1 and 3 have filed their counter. The details regarding the eight policies have been spelt out in paragraph No.3 of the counter. Except for one policy in Policy No.708788366, the sum assured is yet to be settled for the remaining 7 policies. The total sum that has accrued for those 7 policies is Rs.16,76,900/-. The respondents 1 and 2 have informed this Court that out of 8 policies, in 7 policies, the third respondent has been nominated as the nominee. Insofar as Policy No.717910069 is concerned, there is no nomination and this policy was taken by the third respondent in the



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name of the deceased when he was a minor. Considering the same, the respondents 1 and 2 have taken a stand that there is a dispute among the legal heirs and they have to work out their remedy before the civil Court and therefore, the policy amount cannot be disbursed.

4. The third respondent has filed a counter affidavit. The third respondent has made certain allegations against the first petitioner regarding the marital discord between the first petitioner and her son. Ultimately, at paragraph No.16 of the counter, the third respondent has taken the following stand:

"16. I reiterate that regarding the 8 policies, I have no objection for 1/3rd being disbursed to each of the legal heirs. 1/3rd of the amount shall be kept in Fixed Deposit as mentioned supra. 1/3rd amount due to my daughter in law can be adjusted to the outstanding loan if any as the loan has been taken only for the benefit of the 1st Petitioner. The 1st policy mentioned in para 5 of the 1st Petitioner's affidavit was taken when my son was a minor and I have paid the premium during the initial years. Few days before the last payment of premium, my son committed suicide due to abetment by the 1st petitioner. Though morally the 1st petitioner is not entitled even to a single paise in all policies, since she is responsible for abetting the suicide of my son, legally she is entitled to and hence, not objected to by me. 7 policies are surrendered to LIC and the 1st policy mentioned in para 5 is with me and I am willing to handover it to the LIC."

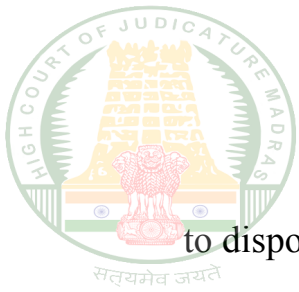


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5. Heard Ms.M.N.Sumathy, learned counsel for petitioner, Ms.Abitha Raveendran, learned counsel for respondents 1 and 2 and Mr.Subramanian Vaidyanathan, learned counsel for third respondent.

6. The issue involved in the present writ petition can be easily resolved since the third respondent has stated in the counter affidavit that she has no objection for 1/3 amount being disbursed in the name of the first petitioner, 1/3 amount to be kept in fixed deposit in the name of the second petitioner and the balance 1/3 amount being disbursed in her favour. Apart from that, already 7 policies have been surrendered to LIC and insofar as eighth policy is concerned, it is available with the third respondent and the third respondent is willing to hand over the same to LIC. Out of the eight policies, for Policy No.708788366, the sum assured to the tune of Rs.1,17,760/- has already been paid to the third respondent.

7. Considering the facts and circumstances of the case and taking note of the fact that the interest of the minor is involved and the parties will have to spilt the amount among themselves in a more amicable manner and also considering the stand taken by the third respondent, this Court is inclined



to dispose of this writ petition in the following terms:

WEB COPY (a) the third respondent is directed to handover the LIC Policy No.717910069

to the respondents 1 and 2, as the case may be, within a period of one (1) week from today.

(b) the respondents 1 and 2 shall disburse the sum of Rs.5,98,220/- to the first petitioner.

(c) the respondents 1 and 2 shall disburse the sum of Rs.5,98,220/- towards the share of the second petitioner and on receipt of this amount, the first petitioner is directed to open a fixed deposit in the name of the second petitioner and the same shall be renewed from time to time till the second petitioner attains majority. The interest that accrues shall be eligible to be utilized towards the education and upkeep of the second petitioner.

(d) the respondents 1 and 2 shall disburse the sum of Rs.4,80,460/- to the third respondent. This amount is paid to the third respondent after taking into consideration the amount that was already paid to the third respondent towards Policy No.708788366 and the excess 2/3 share received by the third respondent has been added towards the share of the petitioners 1 and 2 and paid to them.

(e) Insofar as any other disputes between the petitioner and the third respondent are concerned, the same has to be agitated by them in the



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manner known to law before the competent forum.

WEB COPY No costs. Consequently, connected miscellaneous petitions are closed.

23.07.2025

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
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To

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N.ANAND VENKATESH, J.

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