IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM :

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.36517 of 2024

1. S.Baby Chitra
2. D.Shanmugan .. Petitioners

v.

1. United India Insurance Company Limited
   Property & Casualty Hub, Regional Office
   178, Dr.Nanjappa Road
   Coimbatore 641 018

2. United India Insurance Company Limited
   Branch Office – Bhavani
   KMR Complex, Mettur Main Road
   Bhavani, Erode 638 301

3. Erode District Civil Engineers Association
   9/3-B, Indhu Nagar
   Perunthurai Road, Palayapalayam
   Erode 638 012

4. Mrs.G.V.Sumitha
5. Minor Thaarak
   rep.by his mother &
   natural guardian G.V.Sumitha .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent to release the sum of Rs.10,00,000/- (Rupees Ten Lakhs only), payable under Group Personal Accident Tailor Made Policy in Policy No.1706054222P111498997 consequent to death of the policy holder S.Pradheep, to the petitioners forthwith without insisting NOC from the fourth and fifth respondents.

For Petitioners	::	Mr.R.S.Raveendhren
For Respondents	::	Mr.S.Arun Kumar for R1 & R2 R3 to R5-Sd. No appearance

ORDER

This writ petition has been filed for issuance of a mandamus directing the first respondent to release the sum of Rs.10,00,000/- payable under the Group Personal Accident Tailor Made Policy consequent upon the death of the policy holder S.Pradheep, who is the son of the petitioners, without insisting for NOC from the fourth and fifth respondents.

2. Even though notice has been served on the respondents 3 to 5, there is no appearance either in person or through the counsel.

3. Heard the learned counsel for petitioners and the learned counsel

for the Insurance Company.

4. The case of the petitioners is that their son Pradeep had taken a personal accident policy with the insurer-United India Insurance Company. He died on 19.09.2023 in an accident. He left behind the petitioners, the fourth and fifth respondents, who are the wife and child of the deceased, as the legal heirs. He held the group personal accident tailor made policy with the third respondent association. The same is substantiated by the document placed before this Court, which shows the name of the petitioners' son at Serial No.192. In this policy, the name of the assignee is shown as the fourth respondent, who is the wife of the deceased. The sum assured was Rs.10 lakhs in case of death. The policy period was from 01.02.2023 to 31.01.2024 and the petitioners' son died on 19.09.2023.

5. The fourth respondent through letter dated 20.07.2024 informed that she disclaims all the benefits/sum assured under the above policy. Hence the petitioners made their claim and since the same was not considered, the present writ petition has been filed before this Court.

6. The learned counsel appearing on behalf of the Insurance Company submitted that the fourth respondent is the assignee under the policy. Hence, even if she has disclaimed the policy amount, that cannot bind the minor child, who is the fifth respondent in this writ petition. The learned counsel therefore submitted that in case the fifth respondent makes any claim, the Insurance Company must not be dragged into the litigation and to that extent, the interest of the Insurance Company must be safeguarded.

7. In the considered view of this Court, the fourth respondent, who was the assignee, has already disclaimed the benefits/sum assured under the policy through a letter dated 20.07.2024 addressed to the third respondent. The fifth respondent child is now under the care and custody of the fourth respondent. Therefore, the sum assured cannot remain idle and it has to come into the hands of either of the party. The petitioners are none other than the parents of the deceased. Therefore, the sum assured can be handed over to them. The petitioners will have to give an indemnity bond to the Insurance Company to the effect that if in case any claim is made by the fifth respondent, who is presently a minor, in future, the petitioners will

have to make the payment and the Insurance Company must not be roped into any litigation. Once this safeguard is given, there can be no objection for the Insurance Company to handover the sum assured.

8. In the result, this writ petition is disposed of with a direction to the Insurance Company to handover the sum assured to the petitioners, after receiving the indemnity bond as indicated supra. No costs.

Index : yes/no 16.07.2025
Neutral citation : yes/no

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To

1. The Regional Manager
United India Insurance Company Limited
Property & Casualty Hub, Regional Office
178, Dr.Nanjappa Road
Coimbatore 641 018

2. The Branch Manager
United India Insurance Company Limited
Branch Office – Bhavani
KMR Complex, Mettur Main Road
Bhavani, Erode 638 301

N.ANAND VENKATESH,J.

ss

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