



W.P(MD)No.1846 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.1846 of 2023

M.Gandhimathi

... Petitioner

Vs.

1.The Zonal Officer,
LIC of India,
Mount Road 4.1 No.45/56,
Indian Mutual Building 1st Floor,
Anna Salai, Mount Road,
Chennai - 600 002.

2.The Divisional Officer,
LIC of India,
75 N Jeevan Prakash,
P.B.No.39, Gandhiji Road,
Thanjavur - 613 001.

3.The Branch Officer,
LIC of India,
75 N Jeevan Prakash,
P.B.No.39, Gandhiji Road,
Thanjavur - 613 001.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the respondents dated 13.12.2022 and to quash the same as illegal and consequently, to direct the respondents to remit the balance amount standing in the petitioner's husband namely Late.Marimuthu in



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Policy No.750412142 with accrued interest.

(Prayer amended vide court order dated 02.07.2025 in WMP(MD)No.2657/2023 in WP(MD)No.1846/2023).

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Mr.C.Karthik

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to quash the impugned order of the respondents dated 13.12.2022 and consequently, to direct the respondents to remit the balance amount standing in the petitioner's husband namely Late.Marimuthu in Policy No. 750412142 with accrued interest.

2.The contention of the petitioner is that the petitioner's husband has taken a policy in the 3rd respondent Branch Office for an amount of Rs. 40,000/- and it was assured to disburse Rs.40,000/- on the date of maturity of the policy i.e., on 19-08-2009. During the pendency of the policy, the petitioner's husband died on 14-10-1998. However, instead of disbursing Rs.40,000/-, the respondents vide order, dated 13-08-2021, has disbursed Rs.24,560/- along with the bonus. Hence, the petitioner is claiming the balance amount.



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3. The respondents has filed a counter affidavit wherein it is admitted that the petitioner has insured in policy No.750412142 for an assured amount of Rs.40,000/- commencing from 19-08-1989. The policy holder died on 14.10.1998. Thereafter, the petitioner had received the "death claim payments" from the office for Rs.24,560/- and the same was and accepted and acknowledged vide letter dated 12.12.2022.

4. In any insurance policy, there can be only one final payment. It will be either on the date of maturity or on the date of death. If it is on the date of death then the "accrued amount as on the date of death" would be paid and the accrued amount would be principal along with agreed bonus amount available as on the date of death would be paid. Likewise, if it is on the date of maturity then the "accrued amount as on the date of maturity" would be paid and the accrued amount would be principal along with bonus amount available as on the date of maturity would be paid.

5. In the present case, the petitioner is entitled to payment either on the date of death or on the date of maturity. The respondent Insurance corporation has paid the accrued amount along with the agreed bonus amount as on the date of death. The respondents have paid the matured amount as well as bonus amount accrued in the said account which is to the tune of Rs.24,560/-. Therefore, the



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respondent is not liable to pay Rs.40,000/-. This Court is of the considered opinion that the respondents have already paid the amount as death claim along with bonus as early as 1998, hence the petitioner is not entitled to the claim.

6. The respondents submitted that due to belated claim, all the records have been destroyed. Hence, they could not ascertain the calculation of the said amount. This Court is of the considered opinion that the petitioner has approached the Court belatedly and the same is hit by latches.

7. For the reasons stated supra, the Writ Petition is dismissed. There shall be no order as to costs.

17.07.2025

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

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S.SRIMATHY, J.

Tmg

**ORDER MADE IN
W.P(MD)No.1846 of 2023**

DATED : 17.07.2025