BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2025**

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

W.P.(MD)No.18775 of 2022

Kailasam.M ... Petitioner

/Vs./

1. Chief Post Master General (PLI)
O/o. Chief Post Mager General,
Tamilnadu Circle, Chennai - 600 002.
2. The Post Master General, (South Region)
O/o. the Post Master General,
Tallakulam, Madurai - 625 002.
3. The Senior Superintendent of
Post Officers, Dindigul Division,
Dindigul - 624 001. ... Respondents

PRAYER**:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, praying for a directing the respondents consider the representation dated 12.08.2022 and to call for the records on the file of the third respondent and quash the impugned proceedings in PLI/Death claim dlgs/2015-16 dated at Dindigul 624 001 dated 29.12.2015 and consequently direct the respondents 1 to 3, to disburse the entire policy amount with accrued interest at the rate of 12% per annum until the date of disbursement to the petitioner.

For Petitioner : Mr.M.Vivek Bharathi

For Respondents : Mrs.S.Ragaventhre

ORDER

This Writ Petition has been filed challenging the refusal of death claim dated 29.12.2015 under Postal Life Insurance Policies.

2. Heard the learned counsel on either side and perusal the material available on records.

3. The petitioner's daughter was working with Indian Postal service since 1986 as Assistant. While, she was in service, she had taken postal life insurance policy under Policy No.TN/108311-P for a sum of Rs. 20,000/- with the approval of the first respondent. During her life time, she had been paying monthly premium without fail. Once again, on 01.07.2002, she had taken another premium under Policy No.TN/200396-P, for a sum of Rs.50,000/- and on 13.10.2008, she had taken another premium under Policy No.TN/377052-P for a sum of Rs. 50,000/- and on 01.12.2009, she had taken another premium under Policy No.TN/429969-P for a sum of Rs.1,00,000/-. The said premiums were also paid without default. Thereafter, unfortunately, she passed

away on 16.01.2015, due to her illness. Her mother was alive, she had nominated as mother for these policies. After demise of her mother, the petitioner was nominated as nominee for all the policies. On the strength of the same, the petitioner made a claim under the policies. The petitioner initially was directed to obtain succession certificate. Therefore, the petitioner filed a succession O.P in S.O.P.No.1 of 2016 on the file of the Principal Sub Court, Dindigul and obtained succession certificate and release the same before the respondent. However, without considering the same, the claim made by the petitioner was rejected under the provision of the Post Office Life Insurance Rules, 2011, the Subscriber furnished wrong information at the time of taking policies and as such claim peition was rejected.

4. On perusal of the counter affidavit filed by the respondents and on submissions made by the learned counsel for the respondents revealed that the petitioner's daughter had taken four policies under the Postal Life Insurance for a sum of Rs.20,000/-, Rs.50,000/-, Rs.50,000/- and Rs.1,00,000/- respectively. On verification of service records, she had taken leave on several occasions for taking treatment for her ill-

health, viz., suffered with chest pain. Further, the medical report of the petitioner's daughter issued by Appllo Speciality Hospital, dated 06.10.2014 that the petitioner's daughter was suffered with congenital heart disease, ostium secundum ASD, left to right shunt, Mild Mitral Regurgitation, severe pulmonary artery hypertension. Congenital means that the problems are present at birth, it was suppressed by the petitioner's daughter and had taken policies. Therefore, the claim of the petitioner was rejected as per Rule 39 of the Post Offices Life Insurance Rules.

5. It is relevant to extract Rule 39 of the Post Offices Life Insurance Rules, which reads as follows:

> *"Wrong information furnished by a person or suppression of factual information by a person admitted to their benefit of the Post Office Life Insurance fund will at the discretion of the competent authority, render voidable contract concluded with that person and lead to forfeiture of all payments made by him."*

6. It is true that any suppression of factual information by a person, who had taken policy, is not entitled for any claim under the Policy.

Though the respondents submitted that the petitioner's daughter suffered with Congenital Heart Disease by her birht, in order to substantiate the same, no material has been produced before this Court.

7. Further, the respondents also failed to substantiate the contention that the petitioner's daughter suppressed the factual information, while taking insurance policies. While it being so, after demise and on receipt of the claim, the respondents cannot take such a stand that the policy holder suppressed the fact on the material information and had taken policies. In fact, after immediately receipt of the claim, the petitioner was directed to obtain succession certificate. A after receipt of the claim petition, the respondents made search for reasons to deny the claim. In fact, the petitioner's daughter had paid a sum of Rs.1,38,902/- as subscription of all policies. The matured amount comes to Rs.2,20,000/-. Therefore, the respondents cannot completely deny the claim of the petitioner, that too, under Rule 39 of the Post Offices Life Insurance Rules.

8. However, the petitioner's daughter had been working with the respondents from the year 1986 as Assistant, she had worked for 30 years. Only due to her ill-health, she died. Therefore, there is absolutely no reason to deny the claim made by the petitioner on the demise of his daughter.

9. In view of the above, impugned order cannot be sustained and the same is liable to be quashed, accordingly, quashed. The third respondent is directed to disburse the insured amount under four policies viz., Policy Nos.TN/108311-P, TN/200396-P, TN/377052-P and TN/429969-P **with interest at the rate of 9% per annum from the date of the petitioner's daughter's demise till the date of disbursement**, with in a period of four weeks from the date of receipt of copy of this order.

10. With the above observation, this Writ Petition stands allowed. No costs.

Index : Yes / No **28.01.2025**
NCC : Yes / No
LS

TO:-

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   Tamilnadu Circle,
   Chennai - 600 002.

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G.K. ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.18775 of 2022

Dated:
28.01.2025