**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**Civil Writ Jurisdiction Case No.12201 of 2025**

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Anju Kumari Sinha Wife of Late Prashant Kumar Sinha, R/o Vindhvasini Street, Pirmuhani, Kadamkuan, Patna- 800003.

... ... Petitioner/s

Versus

1. The Life Insurance Corporation of India through its Zonal Manager, Jeevan Deep Building, Exhibition Road, Patna- 800001.
2. The Senior Divisional Manager, Divisional Office- I, Patna Branch- I, Jeevan Prakash, Frazer Road, Patna- 800001.
3. Uma Sinha R/o Vindhvasini Street, Pirmuhani, Kadamkuan, Patna- 800003.
4. Gaurav Sinha R/o Vindhvasini Street, Pirmuhani, Kadamkuan, Patna- 800003.

... ... Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Rakesh Mohan Singh, Adv. |
| For LIC | : | Mr. Rajni Kant Singh, Adv. |
| | : | Mr. Rakesh Kumar, Adv. |
| | : | Mr. Manish Kumar, Adv. |
| | : | Mr. Sandeep, Adv. |
| For Private Respondent | : | Mr. Rishi Sinha, Adv. |
| | : | Mr. Danish Raja, Adv. |
| For the Respondent/s | : | Mr. Rajni Kant Singh, Adv. |

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**CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY**

ORAL ORDER

7 17-06-2026 In the counter-affidavit filed by the respondent-LIC at Para Nos. 6 & 7, it is specifically averred as under;

> *"6. That at the very outset the answering respondents humbly state that the death claim proceeds with respect to policies nos. 514608165 and 518370815 of the deceased life assured i.e. husband of the petitioner has already been made to the recorded nominee namely Uma Sinha who happens to be the mother of the deceased policy holder.*
>
> *7. That it is pertinent to mention here that the prior to the payment of death claim proceeds of both the policies to the recorded nominee namely Smt. 03.07.2025, the payment of the survival benefits arising out of the said policies in question were already made to the recorded nominee from time to time commencing from 28.11.2012 to 28.10.2024 without any objection and the same is evident from the status report of the policies as contained in Annexure R/1 to this petition."*

**2.** Learned counsel appearing on behalf of the respondent-LIC submits that the maturity amounts of the two policies standing in the name of the deceased life assured have already been paid to the nominee (i.e., the respondent Nos. 3 & 4 herein). Learned counsel submits that in case the petitioner has any grievance, her remedy is to approach the Civil Court for disbursal of the maturity amounts as per the Hindu Succession Act, 1956.

**3.** The Hon'ble Supreme Court in the case of ***Sarbati Devi And Another. Vs. Usha Devi*** reported in ***1984 1 SCC 424*** which reads as under;

> *"A mere nomination made under Section 39 of the Act does not have the effect of conferring on the nominee any beneficial interest in the amount payable under the life insurance policy on the death of the assured. The nomination only indicates the hand which is authorized to receive the amount, on the payment of which the insurer gets a valid discharge of its liability under the policy. Under Section 39 of the policy-holder continues to hold interest in the policy during his lifetime and the nominee acquires no sort of interest in the policy during the lifetime of the policy-holder. Therefore, on the death of the policy-holder the amount payable under the policy becomes part of his estate which is governed by the law of succession applicable to him. Such succession may be testamentary or intestate. Section 39 does not operated as a third kind of succession which can be styled as a 'statutory testament'. A nominee cannot be treated as being equivalent to an heir or legatee. The amount received under the policy therefore, can be claimed by the heirs of the assured in accordance with the law of succession governing them."*

**4.** Having regard to the above, the present writ petition is disposed of granting liberty to the petitioner herein to avail the remedies as available under law before an appropriate forum.

**5.** With the above direction, the present writ petition stands disposed of.

**(A. Abhishek Reddy, J)**

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