IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14597 of 2024

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Pushpa Kumari Gupta Wife of Late Nitish Kumar, S/o Vijay Prasad @ Vijay Prasad Gupta R/o Village- Bakhtiyarpur, Purani Bazar in front of Laxmi Mandir Patna, District- Nalanda, P.S.- Biharsharif, Bihar.

... ... Petitioner/s

Versus

1. The Life Insurance Corporation of India through its Chairman Yojakshema Central Office, Jeevan Bima Marg, Mumbai- 400021, P.S.- Marine Drive, Mumbai (Maharashtra).
2. The Life Insurance Corporation of India, through its Zonal Manager, East, Central Zone, Jeevan Deep Building, Exhibition Road, Patna.
3. The Life Insurance Corporation of India, through its Senior Branch Manager, Biharsharif Branch, District- Nalanda.
4. Vikas Kumar, S/o Late Vijay Prasad @ Vijay Prasad Gupta R/o- Mohalla-Khandakpar, P.S.- Biharsharif, District- Nalanda, Bihar.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Miss Tooba Hera, Adv.
		Mr. Anjani Parashar, Adv.
For the Respondent/s	:	Mr. Abhimanyu Vatsa, Adv.
For the LIC	:	Mr. Rakesh Kumar, Adv.
		Mr. Abhimanyu Vatsa, Adv.
		Mr. Rajni Kant Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY

ORAL ORDER

5 02-07-2026 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following relief(s):-

> *"i. For issuance of a writ preferably a writ in the nature of Writ of Mandamus commanding the concerned Respondents to pay to the Petitioner money secured by Life Insurance Corporation of India Policy No. 829239556 on the unfortunate death of the policy holder i.e., her husband namely Late*

Nitish Kumar S/o vijay Prasad @ Vijay Prasad Gupta.

ii. For a direction upon the concerned respondents restraining them from making any payment from the sum assured against the policy and the money in the bank account of the deceased husband of the Petitioner to any other person including the nominee during the pendency of the present Writ Application."

In the counter affidavit filed by the respondent- Bank at Para- 6, it is stated as under:

"That at the outset, the answering deponent humbly states and submits that this Hon'ble Court vide its order dated 08.10.2024 has been pleased to direct the Corporation not to entertain any claim by Respondent No. 4. However, before the said issuance of direction by this Hon'ble Court and even prior to the registration of the present writ application under reply; the answering deponent have already admitted the claim under the policy for basic death benefit in the favour of the recorded nominee namely Vikas Kumar (Respondent no. 4) on 18.09.2024 and accordingly the payment of the death claim amount of Rs. 27,69,926/- has also been made in his bank account bearing Account no. 75662010003712, of Canara Bank, Biharsharif."

3. Duly taking into account the above-mentioned facts that the claim amount of Rs. 27,69,926/- has already being credited to the account of the Respondent No. 4 herein on 18.09.2024 i.e. even before the present writ petition has been filed, the relief sought in the present C.W.J.C. cannot be granted. The Hon'ble Supreme Court in the case of ***Sarbati Devi And Another. Vs. Usha Devi reported in 1984 1 SCC 424*** has held 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 law laid down by the Hon'ble Supreme Court, the present writ petition is disposed of granting liberty to the petitioner to approach the competent Civil Court by way of civil suit and claim the amount paid to the Respondent No. 4 herein.

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

(A. Abhishek Reddy , J)

Gauravkr/-

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