



W.P.(MD)No.4488 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2026

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.(MD)No.4488 of 2024

and

W.M.P.(MD)No.4368 of 2024

Vijayalakshmi

... Petitioner

Vs.

1.The Manager,
United India Insurance Company,
Manapparai Branch,
Manapparai,
Tiruchirappalli District.

2.Thendral

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the first respondent from disbursing the whole insurance amount of the petitioner's deceased son Nandhakumar's insurance policy No. 0913843122P113608006 to the second respondent.



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For Petitioner : Mr.M.Kala Murugappan

For Respondent No.1 : Mr.C.Karthick

For Respondent No.2 : No appearance

ORDER

This Writ Petition has been filed seeking to forbear the first respondent from disbursing the whole insurance amount of the petitioner's deceased son Nandhakumar's insurance policy No.0913843122P113608006 to the second respondent.

2.The learned Counsel for the petitioner would submit that the petitioner's son Nandhakumar, died in a road accident on 03.08.2023. After his demise, her daughter-in-law, who is the second respondent, left the matrimonial house. Now, the second respondent is attempting to get the insurance policy amount from the first respondent claiming as if she is the only legal heir of the deceased Nandhakumar. Hence, the present Writ Petition.

3.Learned Counsel for the second respondent has filed a counter affidavit stating that the deceased Nandhakumar had nominated the second respondent as the beneficial nominee and



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therefore, the second respondent is only entitled to receive the entire amount. Only in the absence of any nomination by the deceased, the amount shall be shared by the legal heirs.

4. Heard the learned Counsel for the parties.

5. It is an undisputed fact that the second respondent is the wife of the deceased Nandhakumar and the second respondent is the nominee for Nandhakumar in the insurance policy. Such being the case, the insurance policy amount will be paid only to the nominee. In the event if any other legal heirs claim right, they are entitled to the share of the said amount. In the case on hand, the petitioner claims that she being the mother of the deceased is also entitled for a share. Merely because the second respondent is entitled for the insurance policy amount, it does not mean that the petitioner is disentitled. In the event if the petitioner is able to establish the legal-heirship, certainly she will also be entitled for a share. However, no useful purpose will be served in keeping the said amount with the insurance company.



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6.It appears that there are three legal heirs, namely, the petitioner who is the mother of the deceased, the second respondent who is the wife of the deceased and one minor daughter of the deceased. Accordingly, this Court directs the first respondent to disburse 2/3rd amount to the second respondent and retain 1/3rd of the amount. Thereafter, upon establishing her legal-heriship before the first respondent, the petitioner will be entitled to the 1/3rd share retained by the first respondent.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

MR



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KRISHNAN RAMASAMY, J.

MR

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