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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 3555/2023 and CM APPL. 23976/2025, CM APPL. 29613/2025, CM APPL. 30717/2025, CM APPL. 34587/2025, CM APPL. 7688/2026

PRIYANKA MEHROTRA

.....Petitioner

Through: Mr. Rishabh Kumar Jain, Advocate.

versus

INSURANCE REGULATORY AND DEVELOPMENT
AUTHORITY OF INDIA & ORS.

.....Respondent

Through: Mr. Abhishek Nanda, Ms. Hrishika Rawat and Ms. Yashika Singh, Advocates for R-1.
Mrs. Shweta Singh Parihar, Mr. Kshitij Padhi, Advocates for R-2 and 3.
Mr. Rishabh Shrivastava, Mr. Sahil Gupta, Ms. Yasheswini Sharma, Advocates for R-4.
Ms. Muskaan Chawla (Proxy Counsel For Adv Dr Pankaj Garg) for R-5.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

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06.05.2026

1. The petition is for the following reliefs:

“a. Issue the Writ(s)/direction(s) in the nature of mandamus or any other appropriate writ (s)/direction(s) thereby directing the



Respondent No. 1 to ensure release of terminal benefits of late Varun Mehrotra from Respondent no.2,3 and 4 in the favour of Petitioner and her minor daughter.

b. Pass any such further order(s) as this hon'ble court may deem fit and proper in the facts and circumstances of the case.”

2. The Petitioner, widowed wife of Late Mr Varun Mehrotra (**“employee”**), seeks this Court’s indulgence in the nature of mandamus directing Respondent No.1 to ensure release of the outstanding terminal benefits of the deceased employee from Respondent No. 2, 3 & 4, in favour of the Petitioner and her minor daughter.

3. The deceased employee was employed with Respondent No.4, M/s Accenture Solutions Pvt. Ltd. from 15.10.2017 to 14.08.2021, on which date he passed away.

4. The Petitioner and her minor daughter were both nominated as beneficiaries under the various terminal benefit schemes applicable to the employee.

5. The terminal benefits to which the deceased employee was entitled, as extracted from para 5 of the reply filed by Respondent No.4, are set out in tabular form below:

<i>Policy Type</i>	<i>Amount (INR)</i>	<i>Nominee</i>	<i>Status</i>
<i>Group Term Life</i>	<i>23200400</i>	<i>Wife and minor daughter</i>	<i>Currently on hold</i>
<i>Future Service Liability</i>	<i>2000000</i>	<i>Wife and minor daughter</i>	<i>Currently on hold</i>
<i>Employee Deposit link Insurance</i>	<i>705000</i>	<i>Wife and minor daughter</i>	<i>EDLI will be processed basis of the PF cliam as per the instructions of the PF</i>



			<i>department.</i>
<i>Provident Fund (Approx.)</i>	4171804	<i>Wife and minor daughter</i>	<i>PF claim has been submitted to the PF department</i>
<i>Full & Final Settlement (*Approx.)</i>	1768778	<i>Wife and minor daughter</i>	<u>Disbursed on 11- Nov 2021 to Petitioner</u>
<i>Gratuity</i>	600000	<i>Wife</i>	<u>Disbursed on 11- Nov 2021 to Petitioner</u>
<i>Total</i>	32445982		

6. It is, thus, evident that while the Full & Final Settlement amount (approximately Rs.17,68,778/-) and Gratuity (Rs.6,00,000/-) were disbursed to the Petitioner on 11.11.2021, the remaining terminal benefits, namely, the Group Term Life Insurance amount of Rs.2,32,00,400/-, the Future Service Liability amount of Rs.20,00,000/-, the Employee Deposit Linked Insurance (EDLI) amount of Rs.7,05,000/- (to be processed basis the Provident Fund claim), and the Provident Fund amount of approximately Rs.41,71,804/, remain undisbursed and have been put on hold.

7. The reason for the hold placed on the aforesaid terminal benefits is, as stated by Respondent No.4, the Employer, that the mother of the deceased employee, namely Respondent No.5, vide a communication dated 28.10.2022, raised a dispute regarding the disbursement of the terminal benefits in favour of the Petitioner by emphasizing on;- a) Will executed by the employee dated 19.06.2021; b) Case No.126/2021 and 891/2021 pending before the Court of competent jurisdiction in respect of Guardian and Wards Act, 1890 and; immovable and movable property of the deceased employee respectively.



8. It is relevant to note that the mother of the deceased employee has herself expired during the pendency of this writ petition. However, it is pointed out by the Respondent No.4, the employer, that during her lifetime, the mother of the deceased is stated to have executed a Will in favour of her brother, and the beneficiaries under that Will have filed an application for impleadment in the present writ petition.

9. In view of the competing claims raised by the mother of the deceased employee (and now by the proposed beneficiaries under the Will executed by her), Respondent No.4, the employer, has placed the remaining terminal benefits on hold and has sought production of a succession certificate from the appropriate Court before effecting disbursement.

10. It is brought to the notice of this Court that there are two cases currently pending between the parties before the Courts of competent jurisdiction at Gautam Buddha Nagar. Namely, Case No.126/2021 before the Family Court, Gautam Buddha Nagar, under the Guardian and Wards Act, 1890; and Case No.891/2021 before the Civil Judge, Gautam Buddha Nagar, in respect of the immovable and movable property of the deceased employee.

11. These proceedings pertain to the guardianship of the minor daughter of the Petitioner under the Guardian and Wards Act, 1890, and to the movable and immovable properties of the deceased employee. The adjudication of these proceedings by the Courts of competent jurisdiction will necessarily have a bearing on the entitlement of the parties to the terminal benefits that are presently in dispute.



12. In **Roshina T v. Abdul Azeer K.T. & Ors¹**, the Supreme Court held that:-

*“15. It has been consistently held by this Court that a regular suit is the appropriate remedy for settlement of the disputes relating to property rights between the private persons. The remedy under Article 226 of the Constitution shall not be available except where violation of some statutory duty on the part of statutory authority is alleged. In such cases, the Court has jurisdiction to issue appropriate directions to the authority concerned. It is held that the High Court cannot allow its constitutional jurisdiction to be used for deciding disputes, for which remedies under the general law, civil or criminal are available. This Court has held that it is not intended to replace the ordinary remedies by way of a civil suit or application available to an aggrieved person. The jurisdiction under Article 226 of the Constitution being special and extraordinary, it should not be exercised casually or lightly on mere asking by the litigant. (See **Mohan Pande vs. Usha Rani**, 1992 (4) SCC 61 and **Dwarka Prasad Agrawal vs BD Agrawal**, (2003) 6 SCC 230).”*

13. Furthermore, in **Smt. Suguna Rajkumar v. R. Rajmal and Anr²**, the Court, while dealing with the contested issue relating to property dispute between private rights and rights arising thereof has held as under:-

“24. It follows therefore that no Writ Petition can be entertained to decide disputes regarding title or disputed questions relating to title to immovable properties, between private individuals. Nor can the High Court in exercise of Writ Jurisdiction grant declaratory reliefs declaring that a sale deed in favour of a party is void-ab-initio or that a sale deed in favour of another party is valid and binding. Nor can the High Court, without permitting parties to lead evidence and without reference to actual physical possession, declare that a particular person is in possession. Title is a mixed question of law and fact. Physical possession is a question of fact. Possession can be either de facto or de jure. In regard to vacant land, normally the possession is determined with reference to the doctrine ‘possession follows title’. Therefore, a decision on the factum of possession will have to be rendered by deciding as to actual physical possession or by deciding the title as the case may be. The High Court cannot, in a writ proceedings, inferentially hold that a party does not have

¹ AIR ONLINE 2018 SC 1282.

² 2003 SCC OnLine Kar 470.



possession by declaring that his title deed is not valid, if he is in physical possession. Hence, points, (i) and (ii) are answered in the negative.”

14. Additionally, in ***N. Elangathir v. The Manager***³ the Court in clear terms held that:-

“10. It is a well settled proposition of law laid down by the Hon'ble Apex Court by various decisions that disputed questions of law cannot be decided by a writ court, as the same could not be decided without appreciation of evidence. In the instant case, the petitioner herein has claimed right, based on an alleged Will and the Will was not probated or established in the manner known to law and therefore, without establishing the genuineness and the validity of the Will, the petitioner herein cannot seek any relief, based on the Will. The genuineness and the validity of the Will could only be decided by adducing evidence, after impleading all necessary parties, who are entitled to claim right to the property in the absence of the Will. Since the relief sought for in the writ petition relates to questions of fact, the relief sought for in the writ petition is not sustainable in law, accordingly, liable to be dismissed.”

[Emphasis Supplied]

15. This Court is of the considered view that in the face of a disputed Will and active civil proceedings pending before the Courts of competent jurisdiction, it would not be appropriate for the Writ Court to adjudicate upon the competing claims to the terminal benefits by exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India.

16. The writ jurisdiction of this Court cannot be invoked as a substitute for the adjudication of title or entitlement where contested civil rights of the parties fall for determination, and rival claimants have already availed of, or are in a position to avail of, the remedy before civil courts.

17. The parties are accordingly granted liberty to agitate their respective claims before the Court of competent jurisdiction.

18. It is clarified that the terminal benefit amounts that remain undisbursed, specifically, the Group Term Life Insurance amount, the Future



Service Liability amount, the EDLI amount, and the Provident Fund amount, shall continue to be held in terms of the existing arrangements made by the respective Respondents, pending the outcome of the said civil proceedings.

19. The Respondents concerned shall release the said amounts, including any amount that may have been deposited before any Court, to the party who is ultimately held to be entitled to the same, pursuant to the adjudication of the aforesaid pending proceedings by the Court of competent jurisdiction.

20. With the aforesaid observations, the petition, along with pending applications, stands disposed of.

PURUSHAINDR KUMAR KAURAV, J

MAY 6, 2026

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³ W.P.(C) No. 37766/2007 order delivered on 19.07.2010.