



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Miscellaneous Appeal No. 1648/2022
CNR: RJHC010583642022 | URN: CMA / 4035U / 2022



- 1 Kamla Devi W/o Late Kishna Ram, aged 29 Years,
- 2 Rama Ram S/o Late Kishna Ram, aged 10 years,
(Appellant No.2 minor- through his natural guardian-
mother appellant No. 1)
Both residents of Rauji Ki Dhani (Kau Kheda), Tehsil &
District Barmer.

-----Appellants

Versus

- 1 Any Person and another of Village Rauji Ki Dhani (Kau
Kheda), Tehsil & District Barmer.
- 2 Manager, Life Insurance Corporation of India, Sindhari
Chauraha, Barmer.

-----Respondents

For Appellant(s) : Mr. Rajesh Punia

For Respondent(s) : Ms. Shagun Mathur
Mr. Shivam Sharma

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

1.	Date of conclusion of Arguments	09.10.2026
2.	Date on which the order was reserved	09.10.2026
3.	Whether the full order or only operative part is pronounced	Full
4.	Date of pronouncement	16.10.2026

1. By way of the present miscellaneous appeal filed under Section 384 of the Indian Succession Act, 1925 (hereinafter referred to as "the Act"), the appellants-applicants have assailed the order dated 07.07.2022 passed by the learned Additional District Judge No. 1, Barmer in Civil Misc. (Succession) Case No. 211/2020 (CIS No. 31/2020), titled '*Kamla Devi & Anr. v. Any*



Person & Anr.’, whereby the application filed by the appellants under Section 372 of the Act for grant of a succession certificate was rejected.

2. The facts, shorn of unnecessary details, are that appellant No. 1 - *Kamla Devi* was married to Late *Shri Kishna Ram* in the year 2010 in accordance with Hindu rites and customs. Out of the said wedlock, appellant No. 2 - *Rama Ram* was born on 01.01.2012. Both the appellants are Hindus and are governed by the provisions of the Hindu Succession Act, 1956.

3. It was pleaded in the application that the deceased *Kishna Ram* had obtained a life insurance policy bearing cover note No. 107744058 for a sum assured of Rs. 1,00,000/- and nominated his wife therein. However, while completing the official documentation and policy details, the deceased recorded the pet name of appellant No. 1, i.e., "Rekhi", instead of her formal name "Kamla Devi". It was averred that appellant No. 1 is commonly and affectionately known as "Rekhi" within her family and social environment.

4. It was further pleaded that the deceased *Kishna Ram* had duly fulfilled all requisite formalities and paid all due premiums during his lifetime, but unfortunately passed away on 11.12.2019. Following the demise of *Kishna Ram*, the appellants laid claim to the amount payable under the subject insurance policy. However, respondent No.2 - Life Insurance Corporation of India (hereinafter referred to as "the LIC") withheld disbursement on the technical ground that the nominee's name was recorded as "Rekhi", whereas the claimant's official name is Kamla Devi, and





accordingly asked the appellants to obtain a succession certificate from a competent court of law.

5. In the given circumstances, the appellants filed an application under Section 372 of the Act before the learned court below seeking issuance of a succession certificate. Notices of the application were duly published in a daily newspaper in accordance with law, but no person appeared or filed any objection contesting the grant of the succession certificate in favour of the appellants.

6. The respondent No. 2 – LIC filed its reply on 28.07.2021, taking the stand that since the policy records the nominee's name as "Rekhi" while the claimant's name is Kamla Devi, a formal succession certificate is legally warranted for releasing the claim amount. Accordingly, the respondent prayed for the dismissal of the application.

7. Considering the pleadings of the parties, the learned Trial Court framed the following issues on 24.08.2021:

- “ 1. आया प्रार्थीया कमलादेवी ही रेखी हैं?
2. आया प्रार्थीगण अपने पति व पिता किशनाराम के जीवन बीमा क्लेम राशि प्राप्त करने के अधिकारी हैं?
3. अनुतोष ? ”

8. In support of their case, appellant No. 1 - Kamla Devi examined herself as AW-1 and exhibited documentary evidence, viz., Ex.1 - Insurance Policy (photocopy Ex.1A); Ex.2 - Death Certificate of Kishna Ram (photocopy Ex.2A); Ex.3 – Aadhaar card of Kamla Devi (photocopy Ex.3A); Ex.4 – Voter identity card of Kamla Devi (photocopy Ex.4A); Ex.5 - Bank passbook of Kamla



Devi (photocopy Ex.5A); and Ex.6 – Aadhaar card of Rama Ram (photocopy Ex.6A).

9. In rebuttal, the respondent-Insurance Corporation did not adduce any oral or documentary evidence.

10. Upon conclusion of the proceedings, the learned Court below vide the impugned order dated 07.07.2022 decided Issue Nos. 1 and 2 against the appellants and consequently rejected their application under Section 372 of the Act.

11. Being aggrieved by the said order, the appellants have preferred the present miscellaneous appeal.

12. Learned counsel for the appellants submits that the learned court below has grossly erred in law and fact by rejecting the application, failing to appreciate the pleadings and the uncontroverted evidence in their correct perspective. He submits that appellant No. 1 is the legally wedded widow and appellant No. 2 is the minor son of the deceased *Kishna Ram*, making them undisputed Class-I legal heirs under Section 8 and the Schedule of the Hindu Succession Act, 1956. He further submits that the difference between the pet name "Rekhi" and the formal name "Kamla Devi" is a mere misnomer and cannot serve as a legal impediment to the grant of a succession certificate to undisputed Class-I heirs, especially when oral testimony regarding the pet name remained completely un rebutted. He therefore prayed that the impugned order may kindly be set aside and a direction may be issued to the learned Court below for grant of the succession certificate.



13. *Per contra*, learned counsel for the respondent - LIC reiterated the stance taken in the reply. She submits that the LIC has no objection to paying the claim amount to the rightful claimant, provided entitlement is established through a succession certificate.

14. Heard learned counsel for the parties and perused the record of the case.

15. The core question that falls for determination in the present appeal is whether the recording of the nominee's name as "Rekhi" instead of "Kamla Devi" operates to disentitle the undisputed Class-I legal heirs of the deceased *Kishna Ram* from obtaining a succession certificate and receiving the insurance claim.

16. Indisputably, the record reveals that the deceased *Kishna Ram* was married to appellant No. 1 in the year 2010, and appellant No. 2 was born out of their lawful wedlock. To substantiate identity and relationship, appellant No. 1 has produced reliable documentary evidence, namely, Kamla Devi's Aadhar Card, Kamla Devi's Voter Identity Card and Bank Passbook (Ex.3 to Ex.5, respectively) and appellant No. 2 - Rama Ram's Aadhar Card (Ex.6), which remained entirely unchallenged and unrebutted during trial. Furthermore, in her statement as AW-1, appellant No. 1 explicitly clarified that she is affectionately known as "Rekhi" within the family fold. This statement stands completely unrebutted, as the respondents did not lead any rebuttal evidence whatsoever.

17. It is a settled principle of law that a nomination made under an insurance policy does not confer title, absolute ownership, or





any beneficial interest upon the nominee rather a nominee is merely a receiving authority to collect the proceeds to prevent litigation by the insurer, but holds the money as a trustee for the legal heirs.

18. The Hon'ble Supreme Court in the matter of **Sarbati Devi & Ors. v. Usha Devi¹**, has clearly laid down that a nomination is merely an arrangement for the convenience of the insurer to grant a valid discharge of its liability, and it does not operate as a third-party testament or override the general law of succession governing the deceased.

19. To appreciate the legal position in its correct perspective, it is useful to quote the relevant observations of the Apex Court in **Sarbati Devi** (supra), wherein it was held as under:

"12. ... We, therefore, hold that judgments of the Delhi High Court in Fauja Singh's case (supra) and in Mrs. Uma Sehgal's case (supra) do not lay down the law correctly. They are, therefore, overruled. We approve the views expressed by the other High Courts on the meaning of Section 39 of the Act and hold that a mere nomination made under Section 39 of the Insurance 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 authorised to receive the amount, on the payment of which the insurer gets a valid discharge of its liability under the policy. The amount, however, can be claimed by the heirs of the assured in accordance with the law of succession governing them."

20. Applying the aforesaid judgment to the facts of the present case, it is abundantly clear that the money payable under a life insurance policy forms part of the estate of the deceased policyholder and devolves upon the legal heirs in accordance with the governing rules of intestate succession. Since the deceased **Kishna Ram** died intestate, his estate, including the subject policy claim, devolved exclusively upon his widow (appellant No. 1) and

1 (1984) 1 SCC 424





minor son (appellant No. 2), both being Class-I legal heirs under the Hindu Succession Act, 1956.

21. The learned Trial Court fundamentally misdirected itself by treating a minor variation between the informal pet name "Rekhi" and the official name "Kamla Devi" as a fatal defect. The name recorded in a nomination form is, at its highest, evidence bearing on identity. It is not a condition of heirship, and it cannot defeat the statutory right of succession of Class-I heirs. Where identity and relationship are established by uncontroverted documentary and oral evidence, a variance in nomenclature is a technicality that cannot frustrate substantive rights. Therefore, the reasons recorded are contrary to the evidence on record and to settled principles of law, and cannot be sustained.

22. For the reasons stated above, the findings of the learned Trial Court on Issue Nos. 1 and 2 are set aside. The appeal is allowed, and the impugned order dated 07.07.2022 passed by the learned Additional District Judge No. 1, Barmer, in Civil Misc. (Succession) Case No. 211/2020 (CIS No. 31/2020) is quashed and set aside.

23. The learned Additional District Judge No. 1, Barmer, shall issue a succession certificate under Sections 372 and 373 of the Succession Act in favour of the appellants in respect of the amount payable under Life Insurance Policy No. 107744058 (sum assured Rs. 1,00,000/-), together with all other benefits accrued and admissible under the policy.

24. The succession certificate shall be issued within a period of four weeks from the date of receipt of a certified copy of this





order, subject to completion of necessary formal requirements, including payment of requisite court fees in accordance with law. Upon production of the succession certificate, the respondent - LIC shall disburse the entire admissible claim amount to the appellants without any further delay.

25. There shall be no order as to costs.

26. The record of the learned court below be transmitted back forthwith.

27. All pending application(s), if any, stand disposed of accordingly.

(MANEESH SHARMA),J

Deepa/