

Court No. - 40

Case :- WRIT - C No. - 32768 of 2023

Petitioner :- Aradhana Yadav

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Bratendra Singh

Counsel for Respondent :- C.S.C., Anubhav Sinha, Ashish Kumar Srivastava, Satish Chaturvedi, Vipul Kumar

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard learned counsel for the petitioner; learned Additional Chief Standing Counsel for the State respondents and Shri Ashish Kumar Srivastava, learned counsel for State Bank of India and Shri Anubhav Srivastava, learned counsel for United India Insurance Company Ltd.

2. Present writ petition is preferred with a prayer to command the State Bank of India-respondent no.3 to pay the amount of Rs.40,00,000/- to the petitioner, as per agreement dated 18.11.2019 and 30.09.2021 taken place between the Police Department and the respondent Bank, due to death of petitioner's husband (CP 365/052491072 Udayveer Singh) in a road accident.

3. The entire claim has been set up on the basis of recommendation made by the Superintendent of Police, Mainpuri, wherein, request has been made to the State Bank of India for giving an *ex-gratia* payment of Rs.40 lakhs in the light of the policy. Learned counsel for the petitioner states that once the Competent Authority has already passed an order and made a request to the Insurance Company for disbursal of the said amount, the same cannot be altered to the tune of Rs.30 lakhs.

4. Per contra, learned counsel for Insurance Company has placed the Insurance policy and placed reliance on Schedule (1), which deals with the 'Details of the coverage', wherein, Clause 2(i) provides for PAI (death) Cover. He submits that as per the policy the payment can only be made upto Rs.30 lakhs and admittedly the said amount has already been released.

5. Considering the facts and circumstances of the case, we are not inclined to proceed further in the matter as admittedly as per

Clause 2(i) of Schedule (1) the amount of Rs.30 lakhs is released in favour of petitioner.

6. The writ petition is ***disposed of***.

Order Date :- 2.12.2023

A. Pandey