

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7116 of 2013

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Pankaj Kumar Son Of Shri Krishna Singh Resident Of Village - Kinjar,
Police Station - Kinjar, District - Jehanabad at present resident of Flat No.
A-035, Jagat Amrawati Apartment Bailey Road, Patna

.... Petitioner/s

Versus

1. The Life Insurance Corporation of India through the Chairman, Jeevan Bima Marg, P.B. No. 19953 Mumbai - 400021
2. The Chairman, Life Insurance Corporation of India Jeevan Bima Marg, P.B. No. 19953 Mumbai - 400021
3. The Senior Branch Manager, Branch No. 1/C, Life Insurance Corporation Of India, 60 - 61, Khan Market, New Delhi - 110003
4. The Zonal Manager, Life Insurance Corporation of India Jeevan Bharti Building, P.S. No. 630, Connaught Place, New Delhi 110001

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kashyap, Advocate
For the Respondent/s : Mr. Rajeev Ranjan Prasad, Advocate
Mr. Nilanjan Chatterjee, Advocate
Mr. Sudhanshu Trivedi, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 08-05-2017 Heard learned counsel for the petitioner and

learned counsel for Life Insurance Corporation.

A supplementary counter affidavit has been filed on behalf of the respondent nos. 1 to 4. In the said supplementary counter affidavit, the respondents have dealt with the two policies which are the subject matter of the present writ application.

It appears from the facts, as detailed in the supplementary counter affidavit that when the matter came to light, the cases pertaining to the present petitioner as well as other



accused persons, the CBI registered a case with regard to the irregularities committed by the applicants, who had filed claim regarding realization of policy issued to various persons from the Delhi Office of the LIC. Two records came to the notice of the office of the L.I.C. of India at Patna Division. On perusal of the records, it was noticed that the petitioner of the present case and his father had both filed complaint case no. 116/2003 before the learned District Consumer Forum at Jehanabad claiming policy no. 110022073. In the said complaint case before the District Consumer Forum, the concerned Branch Manager of New Delhi Branch and the Senior Divisional Manager and Zonal Manager of Delhi were made parties. The complaint case was dismissed vide order dated 19.05.2004 as the learned District Consumer forum held that the C.B.I. has submitted a charge sheet against the accused persons and they are facing trial, thus, no relief could be granted to them.

In the Appeal preferred by the petitioner and his father bearing Consumer Appeal No. 445 of 2004 before the State Consumer Disputes Redressal Commission, the order was confirmed as the petitioner abandoned the appeal and did not choose to contest it. Thus, the State Consumer Disputes Redressal Commission vide order dated 21.05.2011 dismissed the appeal



filed by the petitioner.

The second policy number, which is also the subject matter of the present writ application, was also put to test in another complaint case bearing Complaint Case No. 117 of 2003 before the learned District Consumer Forum, Jehanabad. However, the same met with a similar fate.

Learned counsel for the respondent-LIC submits that the petitioner being guilty of suppressing material facts and also making false submissions before this Court, deserves no relief under the writ jurisdiction.

Learned counsel for the respondents have also referred to another case being RC-19(C)/88-Pat dated 31.05.1988 filed by the Central Bureau of Investigation (CBI) under Section 120(B), 468, 420 and 511 of the Indian Penal Code, in which Sri Krishna Singh, father of the present petitioner, is an accused and a charge sheet bearing no. 30/90 has already been filed in the Special Court, CBI, Patna. It has been submitted that several policies obtained from the General Insurance Companies were subject matter of the investigation. The investigation disclosed that Sri Krishna Singh, while he was employed as a Junior Engineer (Civil) and was posted in Midnapore district of West Bengal, created papers in the name of his deceased moth-in-law, namely,



Maheshwari Devi and claimed the insurance amount. The first information report (FIR) and the charge sheet have already been brought on record by the respondent LIC to substantiate their case.

So far as reference to the Special Leave to Appeal (Civil) Nos. 28022-28023 of 2013 is concerned, which has been referred to and has been relied upon by the petitioner, the respondents submitted that the payment was directed to be made by the said order is with regard to Policy No. 4231050100074. However, they are unaware regarding the facts and circumstances of the related case as was presented before the Apex Court.

He further submits that neither from the order of the Hon'ble Apex Court nor from the letter dated 21.03.2014 issued under the signature of the Senior Divisional Manager, the New India Assurance company Ltd., the facts and circumstances of the case could be ascertained. It also appears, as per the submissions of the Life Insurance Corporation, that the entire cause of action between the parties had arisen within the jurisdiction of Delhi and, as such, the petitioner's case is not maintainable before this Court at Patna.

From the rejoinder filed by the petitioner to the counter affidavit, it does not appear as to how the petitioner had moved the Consumer Court and having failed to get relief, had



come to this Court for the same relief. No explanation has been officered by him as to why such facts had been withheld from the court at the very outset.

Be that as it may, considering the facts that the two policies are subject matter of the CBI case which is still pending in which the trial is now progressing and in pursuance of which entire policies have been seized by the CBI authorities, this Court declines to interfere in the matter. It also appears from the facts and circumstances of the case as stated in the supplementary counter affidavit, that the petitioner is guilty of *suppressio veri and suggestio* false, which alone disentitles him to any relief under the extraordinary jurisdiction under Article 226 of the Constitution. Accordingly, this writ application, being devoid of merit is dismissed.

However, it will be open for the petitioner, if at all entitled to move the authorities after disposal of the CBI case, for redressal of his grievance which shall be disposed of in accordance with law.

(Anjana Mishra, J)

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