

S/L. 9.  
07.11.2019  
pk

**Calcutta High Court**  
**In The Circuit Bench At Jalpaiguri**  
**Appellate Jurisdiction**  
**WPA 337 of 2019**

Sukhen Kumar Mukherjee  
-Vs.-  
The Branch Manager, LIC & Others

Mr. Kumar Shibendra Narayan  
... for the petitioner.

Mr. Debabrata Dhar,  
Mr. SubirKumar Saha  
...for the State.

Mr. S. K. Bhowmik,  
Ms. D. Bhowmik  
... for the respondent nos. 1 to 3.

The writ petitioner is a husband of one Mandira Das Mukherjee. Eight individual policies were taken out by the said deceased wife, Mandira Das Mukherjee in which the petitioner is a nominee. Two such policies have been honoured and paid off to the writ petitioner by the L. I. C.

In respect of the balance six policies the one Dulal Biswas who was a servant of deceased policy holder, filed a probate case being O. C. No. 4 o 2013 which was dismissed for default on 21<sup>st</sup> January,

2015. The information slip issued by the District Judge, Jalpaiguri indicates that until the order of 25<sup>th</sup> July, 2019 no steps have been taken for seeking restoration of the said suit. Similarly, Dulal Biswas also filed civil suit being T. S. No. 314 of 2012 that was renumbered as T. S. No. 934 of 2014 before the Civil Judge, Junior Division, Second Court at Jalpaiguri which is also dismissed for default on 6<sup>th</sup> June, 2015.

Information slip issued by the said court on 25<sup>th</sup> July, 2019 indicates that no steps have been taken seeking restoration of the said suit.

This Court is of the view that the said Dulal Biswas may be an interloper who was seeking undue benefit of the petitioner and his wife living separately albeit without any marital dispute.

In those circumstances, the Life Insurance of India is directed to process the balance six policies since the petitioner is a nominee thereunder and make payment of the amount to the writ petitioner.

The payment shall be received by the writ petitioner on his undertaking that in

the event of any claim being raised by the said Dulal Biswas, he shall secure and/or indemnify the LIC against any claim being established by the said Dulal Biswas or any third party and the payment be made by the LIC to the writ petitioner within a period of two months from the date of communication of a copy of this order.

With the aforesaid direction, the writ petition is disposed of.

No order as to costs.

**(Rajasekhar Mantha, J.)**