

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1241 of 2019

In

Civil Writ Jurisdiction Case No.6739 of 2019

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1. Madhumala Singh W/o Late Dr. Nand Kishore Singh resident of Village-Rajajan, P.S. - Mohiuddin Nagar, District - Samastipur, Bihar, Presently residing at Flat No. 404, Hope Anand Apartment, Anandpuri, Boring Canal Road, P.S. - S.K. Puri, District - Patna-800001
 2. Minu Kumari @ Meenu Kumari D/o Late Dr. Nand Kishore Singh resident of Village-Rajajan, P.S. - Mohiuddin Nagar, District - Samastipur, Bihar, Presently residing at Flat No. 404, Hope Anand Apartment, Anandpuri, Boring Canal Road, P.S. - S.K. Puri, District - Patna-800001
 3. Abhishek Anand S/o Late Dr. Nand Kishore Singh resident of Village-Rajajan, P.S. - Mohiuddin Nagar, District - Samastipur, Bihar, Presently residing at Flat No. 404, Hope Anand Apartment, Anandpuri, Boring Canal Road, P.S. - S.K. Puri, District - Patna-800001

... ... Appellant/s

Versus

1. The Life Insurance Corporation of India (LIC) through its Chairman in-charge cum Managing Director, Jeevan Bima Marg, P.s.- Nariman Point, District- Mumbai, Maharastra
2. The Chairman in-charge cum Managing Director The Life Insurance Corporation of India (LIC, Jeevan Bima Marg, P.s.- Nariman Point, District- Mumbai, Maharastra
3. The Zonal Manager The Life Insurance Corporation of India (LIC), East Central Zonal Office, Jeevan Deep Building, Exhibition Road, District- Patna, Bihar
4. The Senior Divisional Manager The Life Insurance Corporation of India (LIC), Begusarai Divisional Office, Vishnu Cinema Campus, Vishwanath Nagar, District- Begusarai, Bihar
5. The Branch Manager Life Insurance Corporation of India (LIC), At and P.o.- Dalsingsarai, Distt.- Begusarai, Bihar
6. The Claim Manager Life Insurance Corporation of India (LIC), At and P.o.- Dalsingsarai, Distt.- Begusarai, Bihar

... ... Respondent/s



Appearance :

For the Appellant/s : Mr.Prem Ranjan Raj. Advocate

For the Respondent/s : Mr.Raj Dular Sah, Advocate

**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)**

Date : 17-03-2021

The present Letters Patent Appeal has been preferred against the order dated 22.8.2019 passed by the learned Single Judge of this Court in CWJC No. 6739 of 2019, titled as Madhumala Singh and Ors. Vs. The Life insurance Corporation of India and Ors..

On 9.2.2021, We had passed the following order:

“We are of the considered view that an endeavour must be made to have the matter amicably resolved, as such, we direct the Zonal Manager, LIC, to make an endeavour.

Details of the Officer along with his telephone number shall be furnished by learned counsel for LIC to the Court Master.

The Court Master shall ensure that the link of the video conferencing facility is forwarded to the concerned Zonal Manager, LIC.

List on 25.02.2021 through Video Conferencing.”



Then, on 2nd March, 2021, we had passed the following order:

“Learned counsel for the respondent L.I.C. states that, without prejudice to the respective rights and contentions of his clients, by way of settlement as persuaded by the Hon’ble Court, a sum of Rs.80,000/- on lump sum basis can be awarded to the petitioner. A sum of Rs.50,000/- already stands paid and the remaining amount of Rs.30,000/- can be paid any time.

None is appearing on behalf of the appellant.

As such, we adjourn the matter.

List in physical mode on 04.03.2021.”

Learned counsel for the writ petitioners-appellants being the legal heirs of the deceased policy holder, states that the offer of the respondent-Life Insurance Corporation of India is not acceptable.

In our considered view, perhaps, the appellants are committing a mistake, for the exercise was undertaken by the LIC, with respect to a highly disputed claim, with the effort of its counsel Sri Raj Dular Sah.

We deem it appropriate to clarify that the life of the deceased was insured only for a sum of Rupees One Lac and,



without going into the controversy of the payment of premium, the insurer was ready to settle the matter by making good the payment of Rs.80,000/-, out of which Rs.50,000/- stood released to the writ petitioners-appellants, which also, according to learned counsel for the respondent-LIC, was purely on compassionate ground and nothing else.

Learned Single Judge, in our considered view, rightly dismissed the writ petition, for the same would not have been adjudicated in view of the highly disputed question of fact, leaving it open to the writ petitioners-appellants to take recourse to such remedies, as would be available to them, per law. Whether the order rejecting the claim, is reasoned or not and is based on the material emanating from records, are all issues which can be considered and decided by the appropriate authority having competent jurisdiction.

But, however, in so far as disputed question of fact of payment of amount of premium etc. is concerned, this Court, in a writ petition or Letters Patent Appeal, is not inclined to adjudicate.

As such, the present appeal stands disposed of.

Interlocutory Application(s), if any, shall stand



disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

anil/-

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CAV DATE	
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