

24th August,
2022
(AK)
06

W.P.A 6342 of 2021

Mira Mondal
Vs.
Central Information Commissioner and others

Mr. Gopal Chandra Ghosh
Mr. R.R. Mondal
...for the petitioner.

Mr. Suman Chattopadhyay
...for the respondent no.1.

Mr. Soumendranath Ganguly
Mr. Siddhartha Goswami
...for the respondent no.3.

Learned counsel for the respondent-New India Assurance Company Limited, in his usual fairness, submits that as per his advice, the respondent-New India Assurance Company Limited files copies of the relevant documents in respect of the policy schedule of the Tata Consultancy Services Limited, where the deceased son of the petitioner was an employee, which pertains to the said deceased son.

It is submitted that the said policy could be traced out from the Mumbai office of the Insurance Company and is a Group Insurance Policy.

In any event, the nature of the policy was Mediclaim and, as such, there is no scope for the petitioner being benefitted in any manner.

Moreover, it is submitted that it was ultimately detected that the cause of death of the petitioner's son was "intoxicated drowning" and, as such, the insurance company had refuted the claim vide its communication dated October 4, 2017.

Such rejection was on the ground of exclusion from the policy.

Learned counsel appearing for the insurance company has handed over copies of the said communication and the policy schedule to his counterpart appearing for the petitioner.

Learned counsel for the petitioner submits that the ground mentioned in the communication is not "exclusion from policy".

Be that as it may, since a specific stand has been taken by the Insurance Company that the deceased son of the petitioner was not entitled to the claim amount and in view of the grievance of the petitioner in the present writ petition having been mitigated by way of handing over of the policy details to learned counsel for the petitioner, nothing remains to be decided further in the writ petition.

Although an adjournment is sought on the ground of respondent no.1 for filing affidavit-in-opposition, such affidavits are no longer required in view of the above observations and hence, the necessity of filing affidavits in the matter is dispensed with.

WPA 6342 of 2021 is, thus, disposed of in terms of the above observations.

There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)