

14.09.2022
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WPA 19075 of 2022

Reshma Bibi Sekh

-Vs-

The Life Insurance Corporation of India & Ors.

Mr. Siddhartha Sarkar

... for the petitioner

Mr. Nadeem Sulaiman

... for the LIC

The petitioner's husband, who was a truck driver at the relevant point of time, died in a road accident on 9th January, 2020. The petitioner has challenged an order passed by the LIC on 5th July, 2022 rejecting the petitioner's claim under a policy with the LIC on the ground that the petitioner's husband was an accused and charge-sheeted in a criminal offence. The petitioner's claim for Double Accident Benefit was rejected on that basis.

The documents placed before the Court show without doubt that the petitioner's husband was named in a Charge Sheet/Final Report dated 31st October, 2020, as an accused person "not charge-sheeted". There is no other document to support the case of the LIC and

the finding in the impugned rejection. The documents further show that the petitioner and her late husband paid the required premia for at least three years in terms of the policy with LIC. The petitioner/husband also completed all formalities with regard to the said policy.

The objection taken on behalf of LIC by learned counsel is that the petitioner's husband was guilty of rash and negligent driving and that the criminal proceedings against the petitioner's husband could not be completed since the petitioner's husband died on 9th January, 2020 as a result of the road accident.

This Court hence does not find any reason to sustain the impugned order. The impugned order must hence be interfered with.

WPA 19075 of 2022 is accordingly allowed and disposed of by quashing the impugned order dated 5th July, 2022. The LIC, more particularly the respondent no. 3 being the Chief Manager, Bishnupur Branch, is directed to revisit the facts and hear the petitioner before deciding the matter afresh by way a reasoned order which is to be passed within six weeks from the date of communication of this order but which shall be within an outer limit of eight weeks from today. A copy of the reasoned order shall be furnished to the

petitioner within a week from the date of passing such order.

(Moushumi Bhattacharya, J.)