12th July, 2023
(AK)
02

W.P.A 22664 of 2022

Jalaluddin Sekh
Vs.
The Life Insurance Corporation of India and others

Mr. Nikhil Kr. Gupta
...for the petitioner.

Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra
...for the LICI.

The affidavit, as directed earlier, is filed in court today by the LICI and is kept on record.

Learned counsel for the LICI, by placing reliance on the same, submits that the detailed breakup of the amount-in-question has been given therein:

The statements in sub paragraph (i) thereof indicates that the survival benefit is Rs.45,000/-, that is, 15% of the sum assured (Rs.3,00,000/-). It is submitted that in the event of death, the question of accrual of survival benefit does not arise. As such, the LICI has already given Rs.39,451/- (actual amount of Rs.39,450.50/-) as survival benefit to the policy holder in her Bank account. Such amount was deposited after deducting the premium due for the month of January, 2020, late premium due amount and other deduction amount from Rs.45,000/-, as the LICI had not been informed by the petitioner that the policy holder died on December 25, 2019.

In sub paragraph (ii), the LICI also states it has already given, at the time of settlement of claim for the Life Insurance Policy, Rs.2,60,549/- to the writ petitioner through his Bank account. As such, a total amount of Rs.39,451/-+Rs.2,60,549/-=Rs.3,00,000/- has been already paid as death benefit on behalf of the LICI.

Learned counsel appearing for the petitioner submits that the LICI has not disclosed as to whether any further bonus/premium was due to the petitioner in lieu of the said policy.

That apart, it is submitted that the deduction of the amount of Rs.45,000/- has not been sufficiently explained by the LICI.

However, a perusal of the affidavit filed by the LICI indicates that the breakup has been satisfactorily shown by the LICI in the said affidavit, show that the maturity amount has duly been paid to the petitioner.

As such, there is no *prima facie* or palpable miscarriage of justice and/or illegality which would invite the writ court to invoke its jurisdiction under Article 226 of the Constitution of India.

However, in the event the petitioner is still aggrieved on the quantum of the amount received, it is always open to the petitioner to approach the competent civil court to claim such due amount, which, according to the petitioner, has not been paid to him despite his entitlement.

Since the writ court cannot go into the assessment of evidence for the purpose of deciding detailed questions of fact, the petitioner would be entitled to claim further relief, if he so wants, before the civil court.

Accordingly, WPA 22664 of 2022 is disposed of, with liberty to the petitioner to approach the competent civil court if the petitioner has any further grievance regarding the exact quantum which has been disbursed to the petitioner in lieu of the LICI policy in the name of the petitioner's deceased wife.

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.)