

06.08.2024
Court No.09
Item no.18
CP

WPA No. 8823 of 2024

Sharbani Nandi
Vs.
Life Insurance Corporation of India & Ors.

Mr. Shuvanil Chakraborty
Mr. Subhadip Biswas
Ms. Dona Saha
..... for the petitioner.

Mr. K. J. Yusuf
Mr. B. Sen
....for the respondent no. 7.

Mr. Subhendu Bandyopadhyay
.....for the L.I.C.I.

Affidavit of service is taken on record. Despite service none appears on behalf of the respondent Nos.5 and 6.

A private dispute between the petitioner and the respondent nos. 5 and 6 has been urged before this court, by impleading the Life Insurance Corporation of India (LIC) as a respondent. The petitioner alleges that her deceased father (insured) had been forced to surrender three policies (Jeevan Akshay) during his lifetime and the LIC had accepted the said surrender, contrary to the policies, being hand in gloves with the respondent nos. 5 and 6. According to the petitioner, the father may not have surrendered such policies, but the respondent

nos. 5 and 6 could have forged certain documents, which led the LICl to record the surrender and disburse the money to the joint account of the deceased father (insured) and Smt. Rajlakshmi Syam, i.e, the respondent no. 5. It is further contended that such surrender could not be allowed, except in cases covered by Annexure 1A, of the policy, i.e., the person surrendering the policy would have to suffer from any of the diseases mentioned in A(1) to A(21), at page 45 of the writ petition. A mandamus is being sought on the LICl to provide medical documents and reports to the petitioner justifying that the insured had been allowed to surrender the policies as he was found to be suffering from the diseases mentioned in A(1) to A(21).

Learned advocate for the LICl submits that the policies were contracts between the insurer and the insured. The insured surrendered the policy in accordance with the terms and conditions of the policy and the money was disbursed to the account of the Provash Chandra Syam and Rajlakshmi Syam, on February 11, 2020 by three NEFTs.

In this case, it appears that the petitioner has already preferred a suit for partition and injunction with regard to the property left behind by the father. The petitioner has also filed a police complaint

against the mother and the sister on the allegation of forgery. The petitioner may have a claim as a daughter in a share of the property of the father including the money disbursed by LIC, but such issue will be decided in the suit, being Title Suit No.300 of 2020.

It is also informed that the LIC is a defendant in the suit. Thus, the prayers made in this writ petition are available to the petitioner in the suit.

The fact that the entire money payable to the insured, by the insurer, upon surrender of the policies have been transferred to the account of the deceased father is not disputed by anybody. The petitioner's claim is on the money. All these are subject matters of the suit. The suit shall continue in accordance with law.

The right of the petitioner to prevent further use of the deceased father's money is also available in the suit and the petitioner may approach the civil court with necessary prayers in this regard. The direction upon the LIC to produce the relevant records can also be made in the suit. The petitioner can pray for the same in accordance with the law of evidence.

The writ petition is disposed of without any orders. The civil court will proceed in accordance with law and independently. This court has not made

any observation of the merits of the claim of the petitioner.

There shall be no order as to costs.

All parties are to act on the basis of server copy of this order.

(Shampa Sarkar, J.)