

DL-39

26.04.2024
Court No.29
(AD)

MAT 1176 of 2019
With
IA No.: CAN 1 of 2019 (Old NO.: CAN 10463 of 2019)
With
CAN 2 of 2022
With
CAN 3 of 2023
with
CAN 4 of 2023

Sujata Chatterjee (Mukherjee) & Anr.
Vs.
Senior Divisional Manage, Life Insurance
Corporation of India & Ors.
(Assigned)

Mr. Salil Kumar Mapdar

... for the appellants.

Ms. Soumashree Dutta

... for the respondent nos.1 to 4.

1. The matter is taken up for consideration.
2. Learned Advocate appearing for the appellants seeks adjournment. Such prayer was considered and refused.
3. Learned Advocate appearing for the appellants was requested to proceed with the matter. He proceeded with the matter at length including citing a judgment. When we expressed our view that, there is no merits in the appeal, he prayed for release of the matter. This conduct of the learned Advocate appearing for the appellants is not appreciated. It is deprecated in the strongest terms. In our view, that is not a conduct befitting of an advocate.

4. So far as the merits of the matter is concerned, the writ petition was filed in the year 2013 for payment of money involved in policies lying with the Life Insurance Corporation of India (LICI). Such policies matured on May 18, 2005. As on date of the filing of the writ petition itself, the claim of the writ petitioners was barred by limitation. Notwithstanding such limitation, the learned Court proceeded to entertain the writ petition and ensured that the writ petitioners were paid the policy amounts. Writ petitioners received the policy amounts. That apart, the learned Judge ensured that, a component of interest was also paid.
5. The appellants before us are aggrieved by the quantum of interest awarded. We are of the view that the learned Judge exercised discretion in awarding interest. Such discretion cannot be said to be perverse. Writ petitioners were themselves guilty of delay.
6. We find no merit in the present appeal.
7. Accordingly, **MAT 1176 of 2019** is dismissed.
8. For the ends of justice, CAN 3 of 2023 and CAN 4 of 2023 are allowed.
9. CAN 1 of 2019 (Old No.: CAN 10463 of 2019) and CAN 2 of 2022 are disposed of accordingly.
10. Learned Advocate appearing for the appellants

prays for stay. Since, we have dismissed the appeal, question of stay does not arise.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)