

01.05.2024
Item No.8
gd/ssd

MAT/1957/2023
IA NO: CAN/1/2023
SANJIT KUMAR SIL ALIAS SANJIT SIL
VS
UNION OF INDIA AND ORS.

Mr. Sanat Kumar Roy
..for the Appellant.

Mr. Guddu Singh,
Mr. Ram Prakash Shukla
..for the Respondent.

1. This intra court appeal by the writ petitioner is directed against the order dated 08.09.2023 in WPA 15758 of 2016 by which the appellant claimed full insurance claim to be paid to him for the theft of his lorry.

2. Admittedly, by virtue of settlement process the insurance company has paid 75% of the demand and the appellant has accepted Rs.3,86,375/-.

3. The appellant's contention is that the vehicle was parked in an area and there was a gate which was locked and the lock was broken and the vehicle was stolen. The appellant has contended before this court by referring to a letter stated to have been given by the appellant and received by the respondent/insurance company on 30.07.2014 evidencing deposit of the ignition key and the key of the door where the truck was parked.

4. The stand taken in this appeal was never the stand taken by the appellant at any earlier point of time. Furthermore, in the writ petition there was no such plea raised and this has probably led the learned writ court to make an observation that it is a manufactured letter. Though the expression “manufactured letter” cannot always connote to be a forged letter, the undisputed position being that the stand taken in the letter and in this appeal was never the stand taken by the appellant at any earlier part of time either before the respondent/insurance company or before the Ombudsman.

5. Thus. we find no grounds to interfere with the order passed by the learned Single Bench and the same is dismissed.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)