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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4185/2021**

AVINANDA GHOSH

..... Petitioner

Through: Mr. Shubham Seth and Mr. Nikilesh
Ramachandran, Advocates alongwith
petitioner in person.

versus

AGRICULTURE INSURANCE COMPANY OF INDIA LTD

..... Respondent

Through: Mr. Madan Gera, Advocate.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

23.04.2024

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(The proceeding has been conducted through Hybrid Mode)

1. Pursuant to the order dated 12.03.2024, Mr. Seth, learned counsel for the petitioner has filed on record an affidavit dated 30.03.2024. In compliance of the order, alongwith said affidavit, the petitioner has placed on record, a number of documents issued by various authorities including the Agriculture Insurance Company of India Ltd. dated 29.12.2007.

2. It is stated that as per the office records, Smt. Sudha Ghosh, is the wife of the petitioner and the said certificate has been issued for the purpose of petitioner and his wife obtaining Indian passport. The petitioner has also enclosed the Aadhar Card issued in the name of Smt. Sudha Ghosh indicating her date of birth as 01.12.1966 pertaining to the same address. Copy of the passport of Smt. Sudha



Ghosh, the original passport whereof was handed over to the Bench for verification on the last date of hearing, has also been annexed. That too indicates the name of her spouse as Avinanda Ghosh i.e. the petitioner herein. Similarly, the copy of the passport of the petitioner also indicates the name of his spouse as Sudha Ghosh. Even the copy of the bond certificate issued by the IFCI (Industrial Finance Corporation of India) also indicates the nominee as Sudha Ghosh. The said bond was issued on 26.06.2012. The petitioner has also enclosed alongwith the said affidavit, the statement of account maintained with the Axis Bank for the period from 11.02.2024 to 11.03.2024 wherein the name of the nominee is indicated as Sudha Ghosh. That apart the PPF form dated 18.05.2009 of the petitioner maintained with the State Bank of India, New Delhi Branch, also indicates the name of the nominee as Sudha Ghosh at the same address and her relation as wife of the petitioner.

3. Keeping in view the overwhelming documents placed on record as also the documents filed by the petitioner in the writ petition, there seems to be little doubt that Smt. Sudha Ghosh is the wife of the petitioner.

4. Though the contention of Mr. Gera, learned counsel for the respondent, regarding the name of the wife of the petitioner indicated as Ms. Sudati Ghosh in the GPF statement may not be questioned, however, it appears to be a possible error in the indication of the name in those documents. Keeping in view the overwhelming documents now placed on record, it appears to be an apparent error.

5. In view of the above finding that the overwhelming documents



which are dated as far back as in year 2007 and 2009 etc. Unerringly point out that Smt. Sudha Ghosh is the wife of the petitioner, the prayer made in the writ petition is allowed.

6. It is directed that the petitioner be granted the benefit of pension scheme of 2019 which was not being processed in view of the error in the name of the wife of the petitioner. The sole objection having been set aside by the aforesaid order, respondent may process the formalities to be completed in respect of the pension scheme. Though, the aforesaid order has been passed, however, just to ensure that the respondent is indemnified, an affidavit of indemnity shall be filed by the petitioner alongwith the spouse and submitted to the Competent Authority of the respondent within three weeks from today. The Competent Authority shall process the benefits of pension scheme as applicable within six weeks from the date of receipt of the said affidavits.

7. With the aforesaid observations, the present writ petition is disposed of with no order as to costs.

TUSHAR RAO GEDELA, J

APRIL 23, 2024/kct