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07.05.2025
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 2281 of 2025

**Hema Gadodia
-versus
The Appropriate Authority National Insurance
Company Limited & Ors.**

**Ms. Hema Gadodia.
...Petitioner in person.**

**Mr. Biswabrata Basu Mallick, AGP.
Mr. Shayak Chakraborty.
...For the State.**

**Ms. Soma Chakraborty.
...For the Insurance Company.**

1. Learned advocate appearing on behalf of the Insurance Company submits, upon instruction that, the claim of the petitioner stood settled in the year 2010. Right now, the Insurance Company does not have any papers in connection with the treatment of the patient.

2. Learned advocate appearing on behalf of the Insurance Company relies on the provision of the Insurance Company Act, 1938 and the Insurance Rules, 1939 which requires the insurer to retain documents relating to claims settled, including copies of any survey or loss assessment reports connected therewith in respect of every loss or damage with claim of Rs.20,000/- or more but less than rupees one lakh for a period of seven years only. In the instant case the claim was settled at Rs. 40,000/- only.

3. The petitioner, appearing in person, submits that the Insurance Company was contacted in the year

2017 but despite the same the treatment papers of the patient were not supplied.

4. Be that as it may, as there was no direction upon the Insurance Company from any competent authority to retain the documents in connection with the settled claim for more than seven years, accordingly, the Insurance Company may have destroyed the treatment papers of the patient.

5. After fifteen years of the claim being settled, the prayer of the petitioner for handing over the treatment documents cannot be allowed.

6. The writ petition fails and is hereby dismissed.

7. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)