HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

Present:

The Hon'ble Justice Debangsu Basak
And
The Hon'ble Justice Prasenjit Biswas

MAT/936/2025
With
IA NO: CAN/1/2025

HEMA GADODIA
VS
THE APPROPRIATE AUTHORITY NATIONAL INSURANCE COMPANY LIMITED & ORS.

Appellant (in person) : Ms. Hema Gadodia,

For the Respondent Nos. 6 & 7 : Mr. Shibaji Kumar Das, Advocate
Mr. Dipendu Sarkar, Advocate

For the Respondent Nos. 2 and 3 : Mr. Biswabrata Basu Mallick, AGP
Mr. Shayak Chakraborty, Advocate

For the National Insurance Company : Ms. Soma Chakraborty, Advocate

Heard & Judgement on : July 29, 2025

DEBANGSU BASAK, J.

1. Appeal is at the behest of the writ petitioner and directed against order dated May 7, 2025 passed in WPA 2281 of 2025.
2. Appellant appears in person. It is submitted by her that despite the respondents possessing the requisite documents they are wrongfully not making over the same to her. She submits that the documents sought for relate to the medical treatment of her father. She seeks mandatory order on the respondents to provide her the documents sought for.
3. In response to a query of the Court, appellant states that, her father expired on September 24, 2010 after undergoing medical treatment in two

medical facilities in the State of West Bengal. She points out that, cases relating to claims are still pending before the consumer forum.

4. Respondents are represented.
5. By the impugned order, learned Single Judge, dismissed the writ petition of the appellant inter alia, on the ground of delay as well as on the ground that, no direction upon the insurance company can be passed in the facts and circumstances of the present case.
6. Learned advocate appearing for the Insurance Company submits that, the insurance claim was settled in 2010. Consumer forum was approached in 2012 without making the Insurance Company a party therein. Consequently, the Insurance Company did not retain the documents concerned beyond the prescribed period of seven years.
7. Apparently, father of the appellant was insured with the insurance company. Father of the appellant underwent treatment in two medical facilities in 2009. Father of the appellant expired on September 24, 2010.
8. Insurance company settled the claim in respect of the insurance policy relating to the father of the appellant.
9. Appellant initially approached the Consumer Forum. Appellant approached such Consumer Forum for the second time in 2017 accompanied with an application under Section 5 of the Limitation Act, 1963.
10. Appellant thereafter filed the writ petition relating in the impugned order, in 2025.
11. We requested the learned advocate appearing for the respondents for a copy of the writ petition of the appellant. A copy of such writ petition was handed over by the learned advocate for the Insurance Company.
12. We perused the writ petition filed by the appellant. The writ petition contains prayers which are essentially directed towards the medical treatment documents of the deceased father of the appellant.

13. Writ petition was filed in 2025 in relation to a death of 2010. Medical papers relating to a death of 2010 sought for by way of this writ petition.
14. There is a huge quantum of unexplained delay in approaching the writ Court.
15. Learned Single Judge considered the fact that insurance claim stood settled. Learned Single Judge also noted that after 15 years of the claim being settled, the writ petition was sought to be moved. In such circumstances, learned Single Judge proceeded to dismiss the writ petition.
16. So far as the delay is concerned, we do not find sufficient explanation for condonation of the same. Initially complaint with regard to the insurance claim apparently was lodged with the Consumer Forum in 2012 without making the insurance company as a party therein. Justification of the insurance company therefore, of not retaining the documents beyond the prescribed period of 7 years, therefore, cannot be wished away. In any event, the attention of the Court is not wrong to any provision of law which requires the insurance company to retain papers from 2010 till date.
17. In such circumstances, we find no ground to interfere with the order impugned.
18. MAT/936/2025 along with the connected applications are dismissed without any order as to costs.

(Debangsu Basak, J.)

19. I agree

(Prasenjit Biswas, J.)

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