

December 10, 2025
Sl. No.24
Court No.1
s.biswas

MAT 2110 of 2024
With
CAN 1 of 2025

Mithu Joyarddar
vs.
The State of West Bengal and others

Mr. Dilip Kumar Maiti
... for the appellant
Mr. Suman Ghosh
Ms. Munmun Tewari
... for the State
Mr. Prabhat Kr. Srivastava
... for the Respondent nos.7 to 9

Per, Sujoy Paul, A.C.J.

1. Mr. Dilip Kumar Maiti, learned counsel for the appellant, Mr. Suman Ghosh, learned counsel for the State and Mr. Prabhat Kr. Srivastava, learned counsel for the respondent nos.7 to 9, are present.
2. This intra-court appeal is directed against the order dated 27.09.2024 whereby the writ application filed by the petitioner was disposed of.
3. During course of hearing, learned counsel for the parties agreed that the coverage and entitlement arising out of the policy taken by petitioner's husband was not subject matter of challenge before the learned Single Judge. The petitioner only came for registration of a criminal case against the respondent nos.7 and 8. However, learned Single Judge has given a finding on merits of the case relating to applicability, scope and ambit of policy.

4. Learned counsel for the State submits that although a complaint was received by concerned police station, matter was relating to contractual obligation and civil in nature and therefore, police authority has not proceeded further.
5. Learned counsel appearing for the Bank submits that no case is made out for granting any relief.
6. In our opinion, the relief claimed before the learned Single Judge was something else and the matter was decided in a very different way touching upon the merits and coverage of the policy. In our opinion, the policy was taken from Cholamandalam MS General Insurance Company which is not “a State or instrumentality of the State” under Article 12 of the Constitution of India. Thus, writ application itself was not maintainable for the relief relating to grant of compensation/financial relief. There was no occasion for the learned Single Judge to touch upon the merits and demerits of the case relating to applicability of the policy, more so, when no such prayer was made in the writ application. Thus, we deem it proper to permit the present appellant to approach the appropriate forum, if she claims any compensation/monetary relief arising out of the insurance policy. The said forum shall decide the matter on its merits in accordance with law and any observation made

by learned Single Judge touching upon the merits in the order dated 27.09.2024, shall not be binding on the said forum.

7. The intra court appeal and connected application are **disposed of**.

(Sujoy Paul, A.C.J.)

(Partha Sarathi Sen, J.)