D/L 76
21.04.2025
Court No.02
PRADIP

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CO 63 of 2025

PNB MetLife India Insurance Company Ltd. & Ors
Vs.
Binapani Biswas

Mr. Meghajit Mukherjee
Ms. Supriya Singh
... for the Petitioners.

Mr. Subham Ghosh
Mr. Mayank Roy
...for the Opposite Party.

1. The Insurance Company has filed the instant Civil Revision Application challenging the order dated 17th March, 2025 passed by the National Consumer Disputes Redressal Commission, New Delhi in NC/RP/370 of 2025.
2. Learned advocate representing the petitioners submits that no reasoning has been given by the Commission for upholding the order passed by the District Forum and the State Commission. It has been submitted that relying upon two different orders passed by the Hon'ble Supreme Court, the impugned order was passed and no opportunity was given to the petitioners to deal with the same.
3. Learned advocate representing the opposite party/claimant submits, upon instruction that, the insured expired in the year 2015 and the widow is processing the claim for nearly the last ten years. The Execution Case being no. 6 of 2024 before the District Consumer Disputes Redressal Forum, Siliguri is pending

consideration due to the pendency of the instant Civil Revision Application.

4. I have heard the submissions made on behalf of both the parties.

5. It appears that the National Commission passed a detailed order and has discussed the facts of the case along with the orders passed by the District Forum and the State Commission. The National Commission went on to record that the facts of the case were examined and the Commission found that there is no evidence on any material suppression and the evidence led had been appreciated correctly by both the fora below.

6. It was recorded that the Insurance Company failed to discharge its burden of proving any material non-disclosure. The Commission was pleased not to interfere in the case, given the limited scope of interference.

7. It appears that the National Commission has dealt with the matter and has passed necessary orders. The National Commission examined the records and found no evidence for material suppression or for misappreciating the evidence led by the parties.

8. As the National Commission went on to upheld the order passed by the two fora below, there is no requirement of recording further reasoning for upholding the same. Had there been any change in the decision, there would have been a requirement of recording reasons. In case of affirmation of the order passed by two judicial fora, there may not be disclosure of further reasons. The same implies that the reasoning given by the trial Court has been accepted by the appellate Court. Moreover, adding up any fresh reasoning to affirm an order will provide a

handle to a litigant to challenge the fresh reasoning before the next higher forum.

9. If there is multiplication of reasons from one fora to the other, there will be no finality to a proceeding. The same will merely move on from one Court to the other. By this way, the insurance claim may never be finalized and the Insurance Company will take on the matter from one forum to the other.
10. The heirs of the insured have already processed the matter for the last ten years. It will be highly improper not to allow the claim after the heirs of the insured have succeeded and got relief before the National Commission.
11. In view of the above, the Court is not inclined to exercise jurisdiction in the matter.
12. The Civil Revision Application by the Insurance Company fails, and is hereby dismissed.
13. It will be open for the opposite party to proceed with the Execution Case being no. 6 of 2024 pending before the District Consumer Disputes Redressal Forum, Siliguri.
14. It is expected that the learned Executing Court will take all endeavour to dispose of the execution case at the earliest, but preferably within three months from the date of communication of this order.
15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities

(Amrita Sinha, J.)