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

\+ RSA 182/2025, CM APPL. 70994/2025, CM APPL. 70995/2025 CM APPL. 70996/2025

SHAILENDRA KUMAR MISHRA .....Appellant

Through: Mr. Joydeep Sarma and Mr. Lalit Verma, Advocates.

versus

LIFE INSURANCE CORPORATION AND ORS .....Respondents

Through: Mr. Kamal Mehta, Advocate for R-1 to R-3.

CORAM:
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

% **13.11.2025**

By way of the present regular second appeal filed under section 100 of the Code of Civil Procedure 1908, the appellant impugns judgment and decree dated 23.07.2025 passed by the learned first appellate court of the learned Additional Senior Civil Judge, South-East District, Saket Courts, New Delhi in RCA SCJ No.5/2023.

2. After making some opening submissions, learned counsel appearing for the appellant submits, that the appellant would withdraw the present regular second appeal, subject to the liberty that he may pursue his claim for receiving commission/renewal commission for the policies which were *not* subject matter of the complaints in the suit with respondent No.1.

3. Mr. Kamal Mehta, learned counsel, who is present on behalf of respondents Nos. 1 to 3 on advance copy, submits that as per Regulation 19(2) of the Life Insurance Corporation of India (Agents) Regulations 1972, if an agent indulges in fraudulent transactions, such agent is liable to forfeit the "*entire commission in respect of all the policies effected under his agency*". Regulation 19(2) of the Life Insurance Corporation of India (Agents) Regulations 1972 is extracted as below:

> ***19. Payment of commission on discontinuance of agency.***
>
> *(2)Notwithstanding anything contained in clause (a) or (b) of sub-regulation (1), an agent terminated by an order passed under regulation 15 or under clause (b) or (h) of sub-regulation (1) of regulation 16 shall entail forfeiture of his entire commission in respect of all the policies effected under his agency.*

4. Mr. Mehta therefore contends, that *all commissions* due to the appellant stood forfeited, not just the commissions that were subject matter of the suit.

5. Mr. Sarma submits, that the aforesaid regulation applies to cases involving termination of an agent; whereas the appellant was never terminated.

6. Without delving further into this controversy, the present second appeal is disposed-of as withdrawn, with liberty as prayed-for, making it clear that any claim for commission/renewal commission that the appellant may make before the Life Insurance Corporation of India, *shall not include any* of the policies that were subject matter of

the complaints dealt with by the learned trial court and the learned first appellate court.

7. Needless to add, that any such claim will be dealt with by the Life Insurance Corporation of India subject to it rules and regulations.

8. The present regular second appeal is disposed-of as withdrawn.

9. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J

NOVEMBER 13, 2025/ak