

03.02.26
SI-04
Ct.551
(S.R.)

WPA 2351 of 2025

Shanti Halder
v.
Union of India & Ors.

Mr. Dyutiman Banerjee ...for the petitioner.

Mr. Sankar Halder ... for the State.

Mr. Subhash Chandra Sarkar
Mr. Manabendra Nath Bandyopadhyay
... for the UOI.

Mr. Mihir kundu ... for the LIC.

1. This writ petition alleges arbitrary action on the part of the respondent Life Insurance Corporation of India in not making payment of the sum assured to the tune of Rs.2,00,000/- to the petitioner under the Jeevan Rakshak Policy subscribed by the petitioner's husband from the Life Insurance Corporation of India.

2. The petitioner's husband, namely, Santosh Kumar Halder (since deceased) had subscribed to a Jeevan Rakshak Policy whereunder a sum of Rs.2,00,000/-. The petitioner herein had been named (nominated) in the said policy as a nominee under Section 39 of the Insurance Act, 1938. Upon the death of the petitioner's husband, the petitioner approached the Life Insurance

Corporation of India seeking disbursement of the sum assured. When the petitioner's repeated requests for disbursement of the assured sum did not fructify, the petitioner approached this Court by way of present writ petition.

3. Upon the matter being taken up, Life Insurance Corporation of India was called upon to file a report in the form an affidavit disclosing the reasons for not honouring the claim of the petitioner and for not disbursing the amount payable to the petitioner under the said policy.
4. In terms of such direction a report in the form of an affidavit was filed on behalf of the Life Insurance Corporation of India thereby asserting that the petitioner's claim was not honoured inasmuch as Calcutta Telephone District Cooperative Limited had also lodged a claim seeking disbursement of the sum assured alleging that the petitioner had taken a loan from the said Cooperative and had assigned the aforesaid policy in favour of the said Cooperative for the purpose of securing repayment thereof.
5. The petitioner however refuted such contention on behalf of the Life Insurance

Corporation and submitted that the loan that had been taken had been repaid. In such view of the matter, Calcutta Telephone District Cooperative Limited and its Special Officer were directed to be added as parties to the writ petition. Notices were served upon the said added respondents both by the petitioner as well as through the jurisdictional police officer. However, the said respondents remained unrepresented.

6. The issue involves a factual dispute regarding the entitlement to the sum assured under the relevant policy.
7. In such view of the matter, the Eastern Zonal Manager, Life Insurance Corporation of India i.e. the respondent no. 3 is directed to resolve the said dispute and take a decision in the matter upon hearing the petitioner as well as the Calcutta Telephone District Cooperative Limited. The said Authority shall decide as to who amongst the two claimants is entitled to the sum assured in terms of the aforesaid policy.
8. It is also noticed that the documents that have been submitted by way of Annexures to the report in the form of an affidavit in support of the claim lodged by Calcutta

Telephone District Cooperative Society are mostly and substantially unfilled and undated. As to whether such claim can at all be given any credence or not will certainly have to be taken into account by the Eastern Zonal Manager, Life Insurance Corporation of India, along with other factors, in accordance with law.

9. The said Eastern Zonal Manager shall complete the aforesaid exercise within a period of four weeks from the date of communication of this order.
10. It is needless to mention that this Court has not gone into the merit of the matter and all points are left open to be decided by the said authority, in accordance with law, upon giving an opportunity of hearing to both the contesting claimants. All parties will be free to state their respective cases before the Eastern Zonal Manager i.e. respondent no. 3.
11. The report dated January 30, 2026 filed by the Officer-in-charge of Hare Street Police Station indicating that a copy of the writ petition has been served to Calcutta District Cooperative Limited on December 23, 2025 is taken on record.
12. It will be open, to the Eastern Zonal Manager,

Calcutta Telephone District Cooperative Limited to take in informed decision in case the Calcutta Telephone District Cooperative Limited remains unrepresented despite sufficient notice.

13. WPA 2351 of 2025 stands disposed of with the above observations.
14. There shall, however, be no order as to costs.
15. Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Om Narayan Rai, J.)