

(2022) 04 OHC CK 0132
In the Orissa High Court
Case No : Writ Petition (C) No. 33604 Of 2021

Gangadhar Mishra

APPELLANT

Vs

Asst. Manager, Canara Bank And Others

RESPONDENT

Date of Decision : 22-04-2022

Acts Referred:

Citation : (2022) 04 OHC CK 0132

Hon'ble Judges : Arindam Sinha, J

Bench : Single Bench

Advocate : Manas Ranjan Dhal, A. N. Das, R. C. Sahoo

Judgement

Arindam Sinha, J

1. Mr. Dhal, learned advocate appears on behalf of petitioner while Mr. Das, learned advocate appears for the bank and Mr. Sahoo, learned advocate appears for the insurance company.

2. Mr. Sahoo submits, his client is completely unaware of the unfortunate incident of death or whether his client had covered the deceased. No particulars or information was received by his client. As such, without there being a claim, the writ petition is not maintainable against his client.

3. Mr. Das refers to paragraph nos. 7 and 8 in his clients' counter. The paragraphs are reproduced below.

"7. That on 26.07.2021 Insurance company (OP No.-4) sought information through E-mail from the Bank regarding status of the DD Sl. no-800413024204 dated 16.03.2013 that whether the said DD was cleared or not and regarding acknowledgement letter of DD received details by the Insurance Company.

8. That after receiving the e-mail from the Insurance Company (OP No.-4), the Bank immediately informed/provided the Insurance Company through e-mail that the above said DD in question has been received by the Insurance Company on 18.03.2013 and also sent the copy of the acknowledgement of receipt of the

Insurance Company. After that no response has been received from the Insurance Company (OP No-4) despite of several reminders from the Bank.”

On query from Court he submits, the bank will produce, inter alia, receipt dated 18th March, 2013.

4. The bank is directed to file additional affidavit disclosing exchange of above mails and the receipt. The bank will further disclose particulars of the policy since the bank paid the premium, debited from account of the deceased.

5. The additional affidavit will be accepted on adjourned date upon copies circulated to learned advocates for petitioner and the insurance company.

6. List on 6th May, 2022.

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