GAHC010089282023

2026:GAU-AS:16872

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2418/2023

MANJULA KALITA PATHAK
W/O- LATE MUNINDRA KUMAR PATHAK,
R/O- VILLAGE- RANGIA TOWN, WARD NO. 3 (BHATTAPARA),
MOUZA- PANDURI,
P.O. AND P.S.- RANGIA,
DISTRICT- KAMRUP(M), ASSAM,
PIN- 781354.

VERSUS

THE SBI LIFE INSURANCE COMPANY LTD AND 13 ORS
REP. BY ITS PRESIDENT AND CHIEF FINANCIAL OFFICER (REGD.),
THE HO OF THE SAID CO. LOCATED AT-
NATARAJ, M.V. ROAD AND WESTERN EXPRESS HIGHWAY JUNCTION
ANDHERI (EAST), MUMBAI,
CITY- ANDHERI, DIST- MUMBAI,
STATE- MAHARASHTRA,
PIN- 400069

2:THE SBI LIFE INSURANCE CO. LTD.
CENTRAL PROCESSING CENTRE
8TH LEVEL
SEAWOODS GRAND CENTRAL

TOWE-2
SECTOR 40
PLOT NO. R-1

SEAWOODS
NERUL NODE

NAVI MUMBAI- 400706

MAHARASHTRA.

3:THE HEAD-CLAIMS
SBI LIFE INSURANCE CO. LTD.
CENTRAL PROCESSING CENTRE

KAPAS BHAVAN
PLOT NO. 3A

SECTOR NO. 10
CBD BELAPUR

NAVI MUMBAI- 400614

MAHARASHTRA.

4:THE REGIONAL DIRECTOR
SBI LIFE INSURANCE CO. LTD.
2ND FLOOR
AVANTIKA NILAY

BAZAR ROAD
ULUBARI
GUWAHATI

PIN- 781007
ASSAM.

5:THE BRANCH MANAGER
SBI LIFE INSURANCE CO. LTD.
SERVICE BRANCH PC
1ST FLOOR
AVANTIKA NILAY

BAZAR ROAD
ULUBARI
GUWAHATI

PIN- 781007
ASSAM.

6:THE SECRETARY
IN THE OFFICE OF THE INSURANCE OMBUDSMAN
5TH FLOOR
JEEVAN NIVESH
SS ROAD

NEAR PANBAZAR OVERBRIDGE

PAN BAZAR
GUWAHATI

PIN- 781001
ASSAM.

7:THE CHIEF EXECUTIVE OFFICER
ASSAM STATE AGRICULTURAL MARKETING BOARD
RAM KRISHNA MISSION ROAD

ULUBARI
GUWAHATI- 781007
ASSAM.

8:THE JOINT DIRECTOR OF HEALTH SERVICES
AMINGAON
GUWAHATI

PIN- 781031
ASSAM.

9:THE S.D.M. AND H.O.
S.N.S.P.H.C.
RANGIA
KAMRUP(R)
PIN- 781354
ASSAM.

10:THE DIRECTOR OF HEALTH SERVICE
ASSAM
HENGRABARI
GUWAHATI

PIN- 781036
ASSAM.

11:THE SUPERINTENDENT OF GAUHATI MEDICAL COLLEGE AND HOSPITAL (GMCH)
BHANGAGARH
GUWAHATI- 781032

ASSAM.

12:THE INSPECTOR GENERAL OF POLICE (PROSECUTION/ CRIME)
ASSAM POLICE HQ
B K KAKATI ROAD
ULUBARI

GUWAHATI
PIN- 781007
ASSAM.

13:THE COMMISSIONER OF POLICE
KAMRUP(M)
MG ROAD
PANBAZAR
GUWAHATI

PIN- 781001
ASSAM.

14:THE INSPECTOR
OFFICER-IN-CHARGE
BHANGAGARH POLICE STATION
EAST POLICE DISTRICT OF POLICE COMMISSIONARATE
GUWAHATI

PIN- 781032
ASSAM

Advocate for the Petitioner : MR D C K HAZARIKA, J BEZBARUAH,MS J KALITA

Advocate for the Respondent : GA, ASSAM, P J DAS(R1,2,3,4,5),MR S DAS(R1,2,3,4,5),MR. N J GOGOI (R7, SC, A S A M B),MR. N J GOGOI (R-7),SC, AGRI. DEPARTMENT,SC, HEALTH

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

17.11.2026

1. Heard Ms. J. Kalita, learned counsel for the petitioner. Also heard Ms. M. Barman, learned Government Advocate, Assam representing the State respondents, Mr. P. J. Das, learned counsel for the respondent Nos. 1, 2, 3, 4 and 5 and Ms. P. Upadhaya, learned counsel appearing on behalf of Ms. D. Upamanya, learned counsel for the respondent Nos. 8 and 10.

2. The challenge made in this writ petition is to a decision of repudiation of a death claim dated 01.12.2014, whereby the claim of the petitioner dated 11.07.2014, in connection with SBI Life - Flexi Smart Insurance Policy No. 56029630310 bearing UIN No. 111N080V01, was rejected on the ground of suppression of a pre-existing illness by the deceased life assured.

The further challenge is to the decision of the Insurance Ombudsman, Guwahati, dated 13.11.2020, passed in Complaint No. GUW-L-0041-2021-0048.

The further prayer of the petitioner is for a direction for payment of the assured amount of Rs. 6,00,000/- (Rupees Six Lakhs) with interest @ 12% per annum.

3. The respondent Insurance Company, i.e., Respondent Nos. 1, 2, 3, 4, and 5, has filed a common affidavit through the Deputy Regional Manager (OCR, North-East Region) and has taken a stand that the Insurance Company is ready to pay the death claim of Rs. 6,00,000/- with 7% interest from the date of repudiation of the death claim. Accordingly, they have prayed for the disposal of this writ petition.

4. The date of repudiation of the claim admittedly is 01.12.2014.

5. The learned counsel for the petitioner, on instructions, submits that she has no objection to such settlement and that her client accepts such settlement as full and final, provided such amount is paid to her within a period of two weeks from today.

6. The aforesaid stand of the respondent at Paragraph 4 of the affidavit-in-opposition is quoted hereinbelow:

"*4. at the outset, the present writ petition is filed demanding death claim amount under policy No. 56029630310. The claim under the policy was repudiated by the answering respondent for suppression of pre existing illness by the deceased life assured. However, the answering respondent is ready to pay the death claim of Rs. 6 lakhs with 7% interest from the date of repudiation of death claim. Hence, in view of the same, the writ petition may be dismissed as grievance is redressed"*

7. In view of the aforesaid consensus, the present writ petition stands disposed of with the following agreed terms.

I. The amount be remitted to the account of the petitioner through RTGS or any other mode that may be preferred.

II. Such payment be transferred by the concerned respondent authorities to the account of the petitioner within a period of two weeks from today.

8. This disposes of the writ petition.

JUDGE

Comparing Assistant