

S/L 15
25.06.2026
Court. No. 25
suwayan

WPA 23643 of 2025

Vijay Agarwal
Vs.

Life Insurance Corporation of India & Ors.

Mr. Mainak Bose, Sr. Adv.
Mr. Dwaipayan Basu Mallick
Mr. Subhankar Das

...for the petitioner.

Mr. Abhimanyu Shandilya
Mr. Gourab Das
Ms. Biyas Banerjee

...for the respondents.

1. Learned counsel appearing for the LIC has submitted the report under the sealed cover after serving the copy to the learned counsel for the petitioner. Let the same be kept with the record.
2. The petitioner has filed the present writ application challenging the order passed by the appellate authority dated November 8, 2016.
3. Pending writ application, this Court has directed the appellate authority to make necessary arrangement for examination and cross-examination of three doctors viz.; Alope Kumar Chowdhury, Debjit Chatterjee and Chitranjan Ghosh and at the time of examination of the said doctors the original documents as mentioned in the said order shall be produced so as to enable the parties to examine and cross-examine of the witnesses. In compliance of the order dated March 11, 2026, the appellate authority has examined one doctor viz.; Alope Kumar Chowdhury and after examination of the said doctor a report has been submitted along with the

deposition of the said witness. Both parties have satisfied with the report submitted by the appellate authority though the other two doctors have not examined.

4. This Court finds that now the new evidence has come on record and as such the appellate authority has to consider the additional evidence. Taking into consideration of the change circumstance, the impugned order of the appellate authority dated November 8, 2016 is set aside and quashed with the direction to the appellate authority to reconsider the appeal filed by the petitioner along with the additional evidence come on record on examination of Dr. Alope Kumar Chowdhury by giving an opportunity of hearing to both the parties only for arguing the matter and not for adducing any further evidence. Let the appellate authority passed a reasoned and speaking order within a period of six weeks from the date of receipt of this order.
5. It is further made clear that at the time of hearing/argument the parties are at liberty to engage their legal representatives to argue the matter.
6. WPA 23643 of 2025 is disposed of.
7. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Krishna Rao, J.)