(2015) 02 NCDRC CK 0069

In the National Consumer Disputes Redressal Commission

Bajaj Allinz Life Insurance Co Ltd APPELLANT

Vs

VIRENDER SINGH RESPONDENT

Date of Decision : 17-02-2015

Acts Referred:

Citation : (2015) 02 NCDRC CK 0069

Hon'ble Judges : V.K.JAIN , B.C.Gupta J.

Advocate : MOHINDER SINGH , PANKUL NAGPAL

Judgement

1. THE mother of the complainant obtained three insurance policies from the petitioner Company, appointing the complainant as her nominee. The policies were obtained in March, 2010. The insured expired on 05.08.2010. The claim lodged by the complainant was rejected on the ground that the insured had submitted wrong proof of her age and income. Being aggrieved, the complainant approached the concerned District Forum by way of a complaint, seeking payment of a sum of Rs. 14,40,000/ - alongwith interest at the rate of 24% per annum besides compensation of his harassment.

2. THE complaint was resisted by the petitioner Company on the same ground on which the claim was repudiated. It was alleged that the deceased had submitted a forged school certificate as a proof of her date of birth alongwith a forged certificate of her income purporting to be issued by M/s. Manjit Singh Samunder Singh.

3. VIDE its order dated 24.07.2013, the District Forum directed the petitioner Company to pay a sum of Rs. 14,40,000/ - to the complainant alongwith interest on that amount at the rate of 8% per annum. The petitioner Company was also directed to pay costs of litigation quantified at Rs. 2,200/ -. Being aggrieved from the order passed by the District Forum, the petitioner Company approached the concerned State Commission by way of an appeal. Since there was a delay of 239 days in filing the appeal, an application seeking condonation of that delay was filed. The State commission, however, was not satisfied with the justification given by the petitioner Company for the delay in filing the said appeal and

declined to condone the delay. The State Commission also examined the appeal on merits and came to the conclusion that no ground for interference with the order passed by the District Forum was made out. Being aggrieved by the order passed by the State Commission, the petitioner Company is before us by way of this revision petition.

The claim was repudiated by the insurance Company only on the ground that the deceased had submitted fake documents in proof of her age and as proof of her income. The District Forum as well as the State Commission, on perusal of the record, found that as per the school certificate filed by the deceased which the petitioner Company claims to be a forged document, her date of birth was 01.01.1957, meaning thereby that she was about 53 years old, at the time the insurance policies were taken by her. It was also noted by the fora below that alongwith the aforesaid school certificate, the deceased had also submitted a Voter Identity Card issued to her and as per the said Card, she was 45 years old as on 01.01.2002, meaning thereby that her age at the time of taking policies was about 53 years old. In these circumstances, it cannot be said that had the alleged forged certificate showing her date of birth to be 01.01.1957 not been filed by the deceased, the petitioner Company would not have accepted the proposal submitted by her. Her age as per the Voter Identity Card, which is not alleged to be forged document, was the same as was her age reflected in the alleged forged school certificate. Therefore, it cannot be said that the petitioner Company was misled as regards the age of the deceased, on account of the alleged forged school certificate submitted by her. Consequently, the insurance Company was not justified in repudiating the claim merely on account of the school leaving certificate having been found to be a forged document during the verification carried out by it. More importantly, this is not the case of the petitioner Company that as a matter of fact that the deceased was not about 53 years old at the time the insurance policies were taken by her. No evidence was led by the petitioner Company to prove the actual age of the deceased at the time the policies were taken by her. In these circumstances, it cannot be said that the deceased had made a misrepresentation to the petitioner Company as regards her age at the time of taking the insurance policies.

4. AS far as the proof of income is concerned, there is no material on record to show that the author of the certificate purporting to be issued by M/s. Manjit Singh Samunder Singh was produced by the petitioner Company before the District Forum. The District Forum as well as the State Commission found that the deceased was co -owner of some agricultural land which she alongwith other co -owners sold for a sum of Rs. 5,23,20,000/ -. Therefore, she was certainly in a position to pay the premium on the insurance policies taken by her. Had the deceased, instead of submitting the income certificate purporting to be issued by M/s. Manjit Singh Samunder Singh submitted a copy of the sale deed Ex. C16, whereby the agricultural land was sold by her and the other co -owners of the said land for a sum of Rs. 5,23,20,000/ -, the petitioner Company would not have refused the proposal submitted by her.

5. WHILE exercising its revisional jurisdiction, this Commission cannot interfere with the finding recorded by the District Forum and the State Commission unless the said finding is shown to be perverse. Even if two views on the same set of evidence are possible, a revisional ground will not be justified in interfering with the view taken by the fora below. In our opinion, considering the facts and circumstances discussed hereinabove, the view taken by the District Forum and the State Commission cannot be said to be such a view which no reasonable person acting on the material available to the District Forum, could have taken. Consequently, the said view cannot be said to be a perverse view so as to warrant interference by us in exercise of our revisional jurisdiction.

6. FOR the reasons stated hereinabove, the revision petition is dismissed. No order as to costs.

