
(2014) 02 NCDRC CK 0065

In the National Consumer Disputes Redressal Commission

BHARTI

APPELLANT

Vs

Manager, Bajaj Allianz Life Insurance Company Ltd.

RESPONDENT

Date of Decision : 18-02-2014

Acts Referred:

Citation : 2014 0 NCDRC 104 : 2014 1 CPJ 502

Hon'ble Judges : K.S.CHAUDHARI , B.C.Gupta J.

Advocate : KASHI VISHWESHVAR , PANKUL NAGPAL

Judgement

1. THIS revision petition has been filed by the petitioner against the order dated 09.07.2012, passed by the State Commission in Appeal no. 40/2011 Smt. Bharti & Ors. vs. The Manager, Bajaj Allianz Life Insurance Company Ltd., by which while dismissing the appeal, order of District Forum dismissing complaint was affirmed.

2. BRIEF facts of the case are that complainant no. 1 husband and complainant no. 2 to 6 father Ramappa took insurance policy from opposite party -respondent on 13.06.2008 for a sum of Rs. 9,45,000/- and paid premium of Rs. 35,000/-. Due to cardiac attack Ramappa died on 12.09.2008. Complainant submitted claim before the opposite party which was repudiated on the ground of misrepresentation of age and fake documents. Alleging deficiency on the part of the opposite party, complainant -petitioner filed complaint before the District Forum. Opposite party resisted complaint and submitted that insured furnished fake certificate of his age and suppressed material facts and further submitted that in the proposal form, he had shown only two children, whereas there were five children. As policy was obtained on fraudulent and false documents, policy became void and prayed for dismissal of the complaint. The District Forum, after hearing both the parties, dismissed the complaint. Appeal filed by the complainant was dismissed by the State Commission, against which, this revision petition has been filed. Heard learned counsel for the parties finally at admission stage and perused record.

3. LEARNED counsel for the petitioner submitted that there was no allegation of

suppression of disease. Even, the State Commission has committed error in dismissing the appeal on the ground of suppression of pre -existing disease, hence, revision petition be allowed. On the other hand, learned counsel for the respondent submitted that order passed by the State Commission is in accordance with law hence, revision petition be dismissed.

4. THE District Forum after elaborate conclusion, rightly came to the conclusion that certificate submitted by the insured was fake, as per statement obtained from the school authority. As complainant disclosed his age as 35 years at the time of taking policy, whereas he was 46 years old and further mentioned in the proposal form that he was having only two children, whereas in the complaint, five children have been impleaded as sons and daughters of deceased, it becomes clear that insured obtained insurance policy by misrepresentation of age and family members and in such circumstances, policy becomes null and void and the District Forum has not committed any error in dismissing the complaint. It appears that the State Commission inadvertently mentioned suppression of pre -existing disease, whereas suppression of number of children was to be mentioned, but order passed by the State Commission is in accordance with law. We do not find any irregularity, illegality or jurisdictional error in the impugned order and revision petition is liable to be dismissed.

5. CONSEQUENTLY , revision petition filed by the petitioner is dismissed at admission stage, with no order as to costs.