(2007) 06 NCDRC CK 0034

In the National Consumer Disputes Redressal Commission

INDUBAI RAMCHANDRA KUMAVAT — APPELLANT

Vs

United India Insurance Company Ltd . — RESPONDENT

Date of Decision : 05-06-2007

Acts Referred:

Citation : 2007 4 CPJ 334

Hon'ble Judges : S.G.Deshmukh , Uma S.Bora J.

Final Decision : Appeal allowed

Judgement

1. AGGRIEVED by the order of the District Forum, Jalgaon, passed in Complaint Case No. 247/2000, dated 13.7.2001, the appellant/Orig. complainant has filed this appeal.

2. FACTS of the complaint are as under: The husband of the complainant was the member of the Co-operative Society at Neri Bk., Tq. Jamner. He took Janata Personal Accident Insurance. The said policy was for the period of 20.3.1999 to 19.3.2000. The husband of the complainant is of religious nature and he used to attend various temples for Darshan and Pravachan. On 20.12.1999 as usual he went to field, but he did not return in the night. On next day i.e. on 21.12.1999, it is found that, he died on railway track. There was temple namely Sukeshwar at Mhasawad village. The day of occurrence was Monday and, therefore, he had gone to Sukeshwar temple for Darshan. After demise of her husband, the complainant approached to opponent No. 1 with all necessary documents and demanded Rs. 1,50,000 as insurance claim. The opponent No. 1 repudiated her claim on the ground that, death of her husband is not an accidental death, but is suicide, therefore the claim was rejected on said ground. She therefore approached the District Forum, where the opponents appeared and filed their say. The opponent No. 1 filed say, wherein it is stated that, complaint is wrong. Her husband did not obtain any policy from the opponent No. 1. The policy was given to opponent No. 3 bank and, therefore, they only can file complaint. The complaint was rejected after the investigation and therefore there is no deficiency of service. After hearing the arguments and perusing the documents,

the District Forum rejected the complaint on the ground that, the husband of the complainant found dead at a distance of 22 kms. Away from his house. He went there without informing anybody in the house. He was not travelling in the railway, therefore his death on the railway track is doubtful. He might have committed suicide and, therefore, complaint is rejected.

Being aggrieved by the order of the Forum, the complainant came in appeal.

3. THE notices were issued to the appellant as well as respondents. Learned Counsel Mr. Bhangale appeared for the appellant, whereas learned Counsel Mr. S.V. Kulkarni appeared for the respondent No. 1 and learned Counsel Mr. Sonwane for the respondent No. 2. THE learned Counsel for the appellant forcefully argued the mater. He relied on judgments of the National Commission in case of United India Insurance Co. Ltd. v. Dashrathlal Jethabai Patel, II (1996) CPJ 77 (NC) and in case of National Insurance Co. Ltd. v. Munir Shah, III (2002) CPJ 336 (NC)=2002 NCJ 642 (NC). He drew our attention to the report given by the Sub-Divisional Magistrate, Jalgaon, in which it is clearly stated that, death of Ramchandra Kumawat is accidental death. THE statement recorded by the police were also produced before the District Forum. Which disclose that, the husband of the complainant is of religious nature and used to visit all the temples adjacent to his village. His age was of 50 years. On 20.12.1999, it was Monday, therefore he was going to Sukeshwar Mandir at Mhasawad. By ignoring the arrival of train, he was crossing the railway track and met with an accident. THEre were reports by the police and also by Sub-Divisional Magistrate that, it is the case of accident. THEre is one letter also by Co-operative Society written to the Insurance Company, in which also it is mentioned that, the Member of the Society Shri Ramchandra died due to accident. The Forum below did not consider all these documents and erred in dismissing the complaint. There was report of S.D.M. regarding accident of deceased Ramchandra i.e. husband of the complainant, which is reliable evidence. We are inclined to interfere the order and allow the appeal. We therefore pass the following order : ORDER 1. Appeal is allowed. 2. Impugned order passed by the Forum is quashed and set aside. 3. The respondent No. 1 is directed to pay Rs. 1,50,000 as claim of insurance and Rs. 5,000 with the interest at the rate of 9% p.a. from the date of repudiation. 4. Respondent to pay cost of Rs. 2,000 to the appellant. 5. Copies of the order be furnished to the parties.

Appeal allowed.

