

(2002) 11 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

KANAKRAJ CHIMANLAL AJMERA

APPELLANT

Vs

NEW INDIA ASSURANCE CO. LTD.

RESPONDENT

Date of Decision : 29-11-2002

Acts Referred:

Citation : 2003 1 CPJ 342

Hon'ble Judges : M.S.Parikh , M.K.Joshi J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal arises from order dated 14th September, 1997 rendered by the Rajkot District Consumer Disputes Redressal Forum in Complaint No. 217/1996 dismissing the complaint.

2. THE complainant's claim arose from dental treatment taken by complainant No. 2 on 25.9.1995 and 7.10.1995 from Dr. Doshi, Dental Surgeon. THE opponent Insurance Company repudiated the claim on the ground that there was no hospitalization and the claim was covered under the exclusion clause. Learned Forum has focused its attention to the definition of "Hospital" and "Nursing Home" and also the definition of "hospitalization" as per their respective dictionary meanings. THE learned Forum has observed that hospitalization would mean placement of a person in hospital as a patient. Accepting the contention of the opponent Insurance Company learned Forum held that there was no deficiency in service on the part of the opponent Insurance Company in repudiating the claim. We have heard the learned Advocates for the parties. It is not in dispute that the whole claim rests on the meaning or the construction of the exclusion clause in mediclaim policy in question. It is Clause No. 2.1.5 which reads "dental treatment or surgery of any kind unless requiring hospitalization". It would be clear from the aforesaid exclusion clause that if there was no hospitalization dental treatment or surgery of any kind would stand excluded from the claim under the policy. Therefore, the word hospitalization would be of relevance. In our considered opinion learned Forum has rightly focused its attention on the dictionary meaning of the word as in the policy itself meaning of

hospitalization has not been ascribed. In order to confirm the real import of the word we also had occasion to refer to Oxford Advanced Learner's Dictionary where at page 603 hospitalization is stated to mean a long period of hospitalization. Mr. Dalal, however, would submit that verb "hospitalize" would mean "send" or "to admit" to a hospital. True it is, but when one patient is taken to a nursing home or a hospital it might be said that he is hospitalized. However, it might be said that he is hospitalized for a limited purpose of outdoor treatment or a limited purpose of minor operation treatment requiring no hospitalization. Thus the verb and the noun clearly appear to have distinct operational meanings; that precisely appears to be the reason why the meaning of hospitalization is stated to be a long period of hospitalization. However, we would also refer to the word hospitalization from its common usage or popular meaning. It is popularly known when a patient is required to undergo hospitalization it would necessarily mean that he would require pre-operative treatment as also post-operative treatment inside the hospital. In the present case neither of the occasions has factually occurred. When a person goes to a dentist and gets extracted his teeth on a couple of occasions and returns home, by no stretch of imagination it can be said that he has undergone hospitalization from either point of view.

Under the aforesaid circumstances impugned order of the learned Forum can hardly be faulted. This appeal is, therefore, dismissed with no order as to cost. Appeal dismissed.