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**(2015) 04 NCDRC CK 0083**

**In the National Consumer Disputes Redressal Commission**

Late Jagatlal

APPELLANT

Vs

ORIENTAL INSURANCE CO LTD

RESPONDENT

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**Date of Decision :** 13-04-2015

**Acts Referred:**

**Citation :** 2015 2 CPR 472

**Hon'ble Judges :** K.S.CHAUDHARI J.

**Final Decision :** Petition dismissed

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**Judgement**

1. THIS revision petition has been filed by the petitioner against the order dated 11.7.2013 passed by the learned M.P. State Consumer Disputes Redressal Commission, Bhopal (in short, "the State Commission") in Appeal No. 1483/2010 Late Jagatlal Through LRs Smt. Budhwaria Bai and Ors. Vs. The Oriental Ins. Co. Ltd. and two Ors. by which, while dismissing appeal, order of District Forum dismissing complaint was upheld.

2. BRIEF facts of the case are that deceased Jagat Lal was employee in the office of OP No.3/Respondent No.3. Every employee of SECL was insured in "Group Janta Personal Accident Insurance". A sum of Rs.484/- was also deducted from complainant's salary and was deposited in the account of OP No.1/Respondent No.1. Insurance was valid from 16.10.1999 to 15.10.2009. It was further submitted that on 5.1.2009, complainant felt giddy and fell down and later on was examined by doctor and it was found that he suffered from paralysis. He could not recover from illness and his entire body had become numb. He asked OP to send him to Medical Board but he was not referred. Alleging deficiency on the part of OPs, complainant filed complaint before District Forum. District Forum dismissed complaint at admission stage. Appeal filed by complainant was dismissed by learned State Commission vide impugned order against which this revision petition has been filed.

3. HEARD learned Counsel for the petitioner and perused record. Learned Counsel for the petitioner submitted that insured Jagat Lal's case was covered under the risk covered by policy, but learned State Commisison committed error

in dismissing appeal; hence, revision petition be admitted.

4. ADMITTEDLY , complaint was filed by Jagat Lal on the basis of Paralysis and it was further submitted that his case was not referred to Medical Board for obtaining disability certificate and on that basis he claimed compensation of Rs.5,00,000/ -. As per certificate of insurance, complainant was entitled to benefit only if he suffered permanent total disability. In the absence of certificate depicting permanent total disability complainant was not entitled to any claim on the basis of prescription of Central Hospital dated 5.1.2009 and 6.1.2009 and learned District Forum has not committed any error in dismissing complaint.

5. COMPLAINANT died during pendency of appeal and his LRs were taken on record. Learned Counsel for the petitioner submitted that his death was covered under the policy word "Etc.". This argument is devoid of force because policy covered death due to drowning, Lighting Road Accident, Fire, Electric Shock, Snack Bite, Attack by Wild animal, Accident on Duty etc., but did not cover natural death and suicide. Apparently, death of insured was natural death and it was not on account of drowning, etc. covered by Insurance policy and word "Etc." does not cover death on account of so -called paralysis. Claim for death was not prayed in the complaint and it was separate cause of action for which another complaint should have been filed.

6. I do not find any illegality, irregularity or jurisdictional error in the impugned order and revision petition is liable to be dismissed.

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