(2003) 01 NCDRC CK 0073

In the National Consumer Disputes Redressal Commission

L.I.C. Of India APPELLANT

Vs

Jasbir Singh RESPONDENT

Date of Decision : 31-01-2003

Acts Referred:

Citation : 2003 1 CPR 277 : 2003 2 CPJ 114

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , Rajyalakshmi Rao , B.K.Taimni J.

Final Decision : Revision Petition dismissed

Judgement

1. THIS revision petition arises out of order of the State Consumer Disputes Redressal Commission, Haryana, whereby the State Commission upheld the order of the District Forum. The facts in brief which led the complainant to approach the District Forum are as follows :

2. IN this case the complainant''s wife had taken an insurance policy for Rs. 50,000/- vide Policy No. 171435375 and the proposal form was filled up on 26th March, 1997 but the risk was assumed w.e.f. 28.4.1996. The policy was issued in the name of the complainant''s wife in which the complainant was the nominee. The insured died after giving birth to a child on 7.9.1997 in the P.G.I. Hospital, Chandigarh. As per report of the doctor of the PGI Hospital the immediate cause of death was shown as CARDIAC ARREST, PNEUMOTNURAY AND ANTICIDENT. The complainant submitted the policy to the INsurance Company claiming a sum of Rs. 1 lakh under the policy. Since the opposite party did not settle the claim, the complainant had approached the District Forum for a direction to the INsurance Company to release the amount and a further direction for payment of compensation of Rs. 20,000/- for unnecessary harassment, mental agony, etc. The Insurance Company in its reply, in response to the notice issued by the District Forum, took the stand that the claim had to be repudiated as the complainant had suppressed true and correct information regarding ill-health of the insured at the times of effecting the insurance. The contention of the Insurance Company was that at the time of filing the proposal form the insured (deceased) was pregnant which fact was suppressed by the complainant''s wife

at the time of taking the policy.

The District Forum upon hearing both the parties, adverting to the affidavit of the agent of the Insurance Company held that there was no suppression of any material as the deceased was not medically examined, as it was the duty of the respondent to get the insured medically examined; that on the date of the death the insured was covered under the policy of insurance and the cause of death as certified by the Doctors of P.G.I. was cardiac arrest; and that the proposal form was filled by the Development Officer of the Insurance Company in the presence of the agent and the last date of mansuration had not been clearly mentioned by the Development Officer. In view of the above discussion, the District Forum held that there was no reason to repudiate the policy and the complainant was entitled to the claim and directed the Insurance Company to pay the amount as per the policy of the complainant along with interest at the rate of 18% p.a. from the date of repudiation till the date of realisation.

3. DISSATISFIED with the order of the District Forum, the opposite party went in appeal to the State Commission. The State Commission while observing that the factum of pregnancy cannot be concealed and even a layman can observe the pregnancy and that it was also incumbent upon the L.I.C. to get the insured examined from the authorised medical officer before issuing the policy, upheld the order of the District Forum with the minor modification of reducing the rate of interest from 18% to 12% and upheld the order of the District Forum in all other respects. Still not feeling satisfied, the opposite party has come in revision before us.

4. HEARD the learned Counsel for both the parties. We have also seen the orders of the District Forum and the State Commission. During the course of arguments it was not shown to us by the Insurance Company from any document on record that the deceased was aware of the pregnancy at the time of taking the policy because the pregnancy was less than three months and there have been cases where, on occassions, ladies become aware of the pregnancy at a later stage. So, the ground of the concealment of fact cannot be sustained in this case. In view of the above discussion, we dismiss the revision petition and uphold the order of the State Commission. In the facts and circumstances of the case there is no order as to costs. Revision Petition dismissed.