(2004) 01 NCDRC CK 0039

In the National Consumer Disputes Redressal Commission

L.I.C. Of India APPELLANT

Vs

RINKU PANDEY RESPONDENT

Date of Decision : 12-01-2004

Acts Referred:

Citation : 2004 2 CPJ 545

Hon'ble Judges : D.P.S.Choudhary , Asma Ahmad J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal has been filed against the order dated 20.5.2003 passed by District Forum, Ara in Complaint Case No. 243/2003 whereby and whereunder the Forum has directed the O.P.-appellant to pay the complainant a sum of Rs. 50,000/- towards the double accident benefit claim with interest @ 9% from 16.3.2001 till the date of payment and Rs. 1,000/- has been awarded towards the cost of litigation.

2. THE brief fact of the case is that complainant''s husband had a insurance with the O.P.-appellant. THE insurance was for Rs. 50,000/- under the double accident benefit scheme. THE life assured was shot dead by miscreants on 16.3.2001. His wife, the complainant filed claim before the L.I.C. THE Insurance Company asked for copy of the F.I.R. Post-mortem Report, Police Report and other documents but the complainant did not submit the papers. THE L.I.C. paid the complainant Rs. 60,700/- (Rs. 50,000/- as the sum assured and Rs 10,700/- as bonus) but repudiated the claim of further payment under double accident benefit scheme. THE complainant filed the case before the District Forum claiming Rs. 50,000/- as of double accident benefit scheme besides interest and compensation. THE O.P.-Insurance Company appeared and filed written statement. THE fact of insurance for Rs. 50,000/- under double accident benefit scheme by the complainant''s husband is admitted. THE payment of Rs. 60,700/- as detailed above is also admitted. THE contention of the L.I.C. was that complainant failed to submit required papers such as F.I.R., Post-mortem Report, Police Final Report, etc., therefore, she was not entitled for Rs. 50,000/- more under double

accident benefit scheme and on this ground this amount was repudiated. The learned Lawyer of the L.I.C. submitted before us that the document which were asked for by the Insurance Company were necessary for consideration of accident benefit scheme because the satisfaction of the L.I.C. was essential to come to the conclusion that life assured had died due to an accident. The double accident benefit cannot be claimed as a matter of right. Under paragraph-10 of the policy bond the life assured was to furnish these documents for the satisfaction of the L.I.C. for making payment under double accident benefit scheme. The District Forum has wrongly held that non-payment of claim of the complainant was a deficiency.

The respondent-complainant''s lawyer submitted that L.I.C. has wrongly withheld Rs. 50,000/- plus bonus thereupon on the flimsy ground of non-supply of F.I.R., Post-mortem Report, etc. only on being satisfied that complainant''s husband died in an accident as he was shot dead, Rs. 60,700/- were paid to her. The complainant has informed the L.I.C., about the cause of accidental death of her husband but L.I.C. slept over the matter.

3. WE have perused the impugned order and considered the submission of both the parties. L.I.C. after being satisfied through his inquiry agent that complainant''s husband had died and thereafter made payment of Rs. 50,000/- plus bonus. WE have substance in this conclusion of the District Forum that while making inquiry by its own agent about the death and cause of death of the complainant''s husband it must have come to the finding that he was shot dead. The complainant is a widow and it was a difficult task for her to move from pillar to post and to obtain these documents to be submitted before the L.I.C. WE are in agreement with this contention of the respondent that the repudiation of the remaining amount of the claim was on flimsy ground because the L.I.C. by his own agent has enquired into the death of the life assured and only thereafter it paid Rs. 50,000/- plus bonus. In inquiry this fact must have come to the knowledge that he died due to shooting by criminals or miscreants. It has been held in several decision of the Hon''ble National Commission and State Commission that only on the ground that complainant has not produced F.I.R. or Post-mortem Report the claim should not be repudiated if otherwise the factum of death and payment of the policy upto date is proved by other materials on record. Therefore, we are of the view that repudiation of the claim of the remaining amount of the complainant by the appellant is not justified and it amounts to deficiency in its service. The District Forum has rightly asked the L.I.C. to pay Rs. 50,000/- under double accident benefit scheme to the complainant and the amount of interest @ 9% due to deficiency on the part of the L.I.C. is also justified. The cost of litigation of Rs. 1,000/-, however, is reduced to Rs. 500/- only. In the fact and circumstances, we do not find any irregularity in the impugned order. In the result, the appeal is dismissed with the above modification and the impugned order is confirmed. The L.I.C.-appellant is directed to pay Rs. 50,000/- with interest @ 9% from 16.3.2001 till the date of payment besides the litigation cost of Rs. 500/- within three months from the

date of this order. Appeal dismissed.

