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(2001) 08 NCDRC CK 0075

In the National Consumer Disputes Redressal Commission

MANJULABEN KANTIBHAI PATEL — APPELLANT

Vs

National Insurance Co. Ltd. — RESPONDENT

Date of Decision : 07-08-2001

Acts Referred:

Citation : 2001 3 CPR 65 : 2002 1 CPJ 3 : 2002 3 CLT 29

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

Final Decision : Appeal dismissed

Judgement

1. COMPLAINANT is the appellant before us. Her complaint before the State Commission was that her husband had taken a personal accident policy from the respondents - Insurance Company for an amount of Rs. 1.00 lakh. During the validity of the policy, husband of the appellant met with an accident on November 5, 1989 while he was driving a scooter. He died on 11.11.1989. When the complainant lodged her claim with the respondents it was repudiated on the ground that husband of the complainant did not met with any accident and his death was due to natural causes. This led the complainant to move the State Commission claiming Rs. 1,02,500/- with interest @ 18% interest per annum and Rs. 20,000/- as compensation for pain and sufferings. Medical evidence on record did not justify that the husband of the complainant died of any accident. The only witness in the proceeding was the complainant herself who was not an eye-witness of the alleged accident. It is stated that at the time of accident there was a pillion rider who was not produced. State Commission came to the conclusion that there was no evidence to hold that the death of the husband of the complainant was on account of any accident.

2. WE have given our careful consideration to the whole aspect of the matter it being a case of a widow. Nothing has been shown to us as to what injury, if any, was suffered by the husband of the complainant if he met with any accident. No reason has been advanced as to why pillion rider could not be examined. Hospital record which was brought on record did not show any injury which could

remotely be connected with any accident. Husband of the complainant was having hypertension, CV stroke and diabetes mellitus. He was unconscious when he was brought to the hospital where he expired on 11.11.1989. It was not a medico legal case as well. Finding of the State Commission is that husband of the complainant had died of natural causes. Since the insurance policy did not provide for any compensation when the death was on account of natural causes, we cannot hold the respondents-Insurance Company liable. Accordingly this appeal fails and it is dismissed. Appeal dismissed. _______________

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