(2006) 06 NCDRC CK 0025

In the National Consumer Disputes Redressal Commission

MRIDULA BEOHAR — APPELLANT

Vs

Life Insurance Corporation of India — RESPONDENT

Date of Decision : 08-06-2006

Acts Referred:

Citation : 2006 3 CPJ 190

Hon'ble Judges : Veena Misra , R.S.Awasthis J.

Final Decision : Appeal allowed

Judgement

1. THIS is an appeal under Section 15 of the Consumer Protection Act, 1986 (''the Act'') directed against the order passed by the District Consumer Disputes Redressal Forum, Raipur (hereinafter referred to as ''District Forum'') in Complaint Case No. 216/2005. The District Forum has held the O.Ps. deficient in service and directed payment of Rs. 50,000 as assured amount, Rs. 5,000 as compensation for mental harassment, and Rs. 1,000 as cost of the complaint with interest @ 9% from 12.9.2005 to the complainant.

2. FACTS not in dispute are that the complainant''s husband Rajesh Kumar obtained a New Money Back Insurance Policy with accident benefit for Rs. 50,000 from the O.Ps. The insured expired on 15.1.2004 and the insurance amount was claimed from the O.Ps. but it was not paid. Hence, the complaint. In reply, it was stated by the O.Ps. that the claim is under consideration and that the assured amount could not be paid due to non-submission of Form E by the complainant.

Learned Counsel for the appellant-complainant assailing the impugned order submitted that as per the terms of the Money Back Policy, the insured was entitled to receive certain amounts at various intervals. This amount was payable in addition to the amount assured. It was submitted that the District Forum has erred in directing deduction of the amount of Rs. 9,975 paid to the deceased out of the assured amount under the policy.

3. LEARNED Counsel for the O.P. defended the impugned order on the ground that the complaint is premature and that there was no deficiency as the

complainant did not furnish the requisite documents. It was prayed that the appellant be directed to furnish the required certification for consideration of the claim. We find that Form E relates to the information to be furnished by an employer relating to leave availed by the employee. As evident from record (Annexure A-6) the complainant appears to have failed to obtain the Form E from the employee and intimated the difficulty to the O.P. We find ourselves unable to comprehend as to how the complainant could be compelled to produce a document which is neither in her possession nor control. It appears that the complainant''s claim was withheld for this very reason, i.e., non-production of Form E. Thus, in our opinion the O.Ps. are deficient in service as rightly observed by the District Forum.

4. WE have gone through the policy document carefully and we find that on the death of the insured, the sum assured of Rs. 50,000 with accrued bonuses is payable. It also clearly mentions the amount to be paid periodically during the life-time of the assured but there is nothing to indicate that such payments will in any way be deductible from out of the total sum assured. As a matter of fact such periodical payments are in addition to the assured amount. Therefore, there is no justification in deducting such payments out of the assured amount. In view of the above discussion the appeal deserves to be allowed. It is directed that the O.Ps. shall pay Rs. 50,000 as sum assured along with bonuses accrued, with interest at the rate of 9% per annum from the date of complaint. O.Ps. shall also be liable for payment of Rs. 5,000 as compensation for inconvenience, and Rs. 1,000 as cost of the complaint to the appellant. Appeal allowed.