(2007) 06 NCDRC CK 0006

In the National Consumer Disputes Redressal Commission

New India Assurance Co. Ltd. APPELLANT

Vs

RAJ KUMAR CHUCHRA RESPONDENT

Date of Decision : 27-06-2007

Acts Referred:

Citation : 2007 2 CPR 479 : 2007 3 CPJ 320

Hon'ble Judges : K.S.Gupta , P.D.Shenoy J.

Final Decision : Revision Petition dismissed

Judgement

1. CHALLENGE in this revision is to the order dated 20.2.2007 of Consumer Disputes Redressal Commission UT, Chandigarh dismissing appeal against the order dated 15.9.2006 of a District Forum whereby petitioner Insurance Company was directed to pay a total amount of Rs. 2,02,500 on account of mediclaim, etc. to the respondent.

2. RESPONDENT/complainant and his wife Mrs. Lalita Chuchra had taken mediclaim policy for Rs. 1,50,000 each from 9.3.2002 to 8.3.2003 from the petitioner/opposite party. Prior to this they had taken mediclaim policy twice but no amount was claimed thereunder. RESPONDENT developed heart problem and ultimately he underwent CABG on 10.2.2003. Though he had incurred expenses of Rs. 2,35,000 on treatment but amount of Rs. 1,50,000 being amount of policy, only was claimed. On that claim being repudiated through the letter dated 30.1.2004 by the petitioner on ground of respondent suffering from long-standing diabetes mellitus which he did not disclose at the time of purchase of policy, he filed complaint which on contest on similar ground, was allowed by the District Forum and appeal against District Forum''s order filed by the petitioner was dismissed by the State Commission. Contention advanced by Mr. Niraj Singh for petitioner-Insurance Company is that though respondent was suffering from diabetes mellitus type II still he suppressed it in the proposal form(s) filled in for purchase of the policy. In support of submission, attention was drawn to the certificate dated 13.1.2004 and affidavit of Dr. Jyotika Adlakha Kapoor and the hospital record wherein the respondent was shown to be the known case of

diabetes mellitus. It is not in dispute that no evidence was adduced by the petitioner in regard to respondent having received treatment for diabetes mellitus or he being aware of suffering from that disease before purchase of mediclaim policy. In this background and also having considered the said certificate, affidavit and hospital record we are of the view that Fora below had rightly passed the award repelling the aforesaid defence taken by the Insurance Company. Revision petition is, therefore, dismissed being without any merit. Revision Petition dismissed.