(2015) 04 NCDRC CK 0191

In the National Consumer Disputes Redressal Commission

Case No : 1536 of 2014

Reliance Life Insurance Co Ltd — APPELLANT

Vs

Narpat Kereng Patel — RESPONDENT

Date of Decision : 23-04-2015

Acts Referred:

Citation : (2015) 04 NCDRC CK 0191

Hon'ble Judges : J.M.MALIK , S.M.Kantikar J.

Advocate : Revision Petition dismissed with costs.

Judgement

1. COUNSEL for the parties present. Arguments heard. The only controversy which pivots around this case is, "whether the age of deceased Kereng Patel was 77 years or 57 years when he obtained the Insurance Policy from Reliance Life Insurance Co. Ltd.". The deceased Kereng Patel received a Money Multiplier Plan on 18.10.2011 and it had time duration of 15 years. Unfortunately, Kereng Patel passed away on 05.01.2012. Narpat Kereng Patel Son of Kereng Patel made a claim in the sum of Rs.7,97,000/ -, the Insurance amount from the OP/petitioner. This is an indisputable fact that the said policy was not to be granted to those persons who were having maximum age of 65 years. The OPs repudiated the claim of the complainant on the ground that the insured was 77 years of age at the time when the Insurance Policy was granted in his favour. The complaint was filed before the District Forum. The District Forum allowed the complaint. The State Commission also dismissed the appeal filed by the OPs, before the State Commision.

2. WE have heard the counsel for the OP/petitioner. She has vehemently argued that the deceased was 77 years old at the time when the policy was obtained. In this context she has invited our attention towards the Voter list. However, this is to be noted that this voter list shows the name of the voter as "Keranga" and his father''s/relative''s name was Gautama.

3. ON the other hand, the complainant has proved on the record the application moved before the Insurance Company wherein the name of the insurer is shown

as Kereng Patel and the name of his father is shown as Nathu Patel. The complainant has also proved on record the copy of PAN Card, which shows the name of the deceased/insured as Kereng Patel, his father''s name as Nathu Patel. Under these circumstances, no reliance can be placed on voter list. Voter list does not establish the identity of the insurer. It is strange that the investigators did not investigate the case properly. It was for the investigator to prove, who is Gautama. According to the counsel for the petitioner, she is the mother of the deceased. But there is no such evidence on the record. The identity of the deceased should have been established by solid and unflappable evidence. The investigators did not recover the Ration Card of the deceased, School certificate of the deceased, any enquiry from the Sarpanch of the Village. It was very easy to know whether the deceased was born before the partition or after the partition. Every villager knows about the factum of partition but the investigators have investigated the case in a happy go lucky manner. It is just a farcical and face saving exercise. Succinctly stated the investigation was done hit or miss.

4. ON the other hand, the case of the complainant, prima facie, stands established. A veil of suspicion covers the case of the petitioner. The District Forum also observed in para No. 7, which is reproduced here as under: - "7. The copy of the insurance proposal document is in favour of the plaintiff - In which the birth date of Kereng Patel is written as 19.04.1955 and it is noted that the PAN Card is received to certify the age. A copy of Keren Patel''s PAN Card is presented in the documents and the date of birth written in it is 19.04.2012. Kereng Patel''s age is mentioned as 57 years in a ticket dated 05.01.2012 for the medical admission for the patient bed, medical certificate regarding the reason of death, Death report dated 02/2012, Death registration in Panchayat, Post Mortem report etc. kind of all the documents. There is no reason to believe all of these documents as non -trustable. It is surprising thing that the offender insurance company kept all of these documents aside and rejected the claim placed by the plaintiff without giving even a chance to hear based on just a mere observation on internet of Kereng Patel''s voter identify card - It comes in the category of a serious fault in the service providing. Below mentioned portion from the verdict given in the legal case of Hemant Kumar Das vs. Allinz Und Stuttgarter Life Ins. Bank Ltd.,1938 AIR(Cal) 648 is worthy to note down here -

"This was a case where the whole transaction from the very beginning proceeded upon the basis that the company had satisfied themselves that the proposer was of the age of fifty four and then issued the policy accordingly. In my view, therefore, the admission contained in the endorsement at page 3 of the policy is of such a character that the defendant when the policy matured could not be heard to say that the age of the insured was anything different from what he himself and stated it to be in February 1934, It is not necessary that one should apply in terms of the principle of estoppels, because that a merely a rule of evidence in my view, this matter goes for deeper than that. The question of the age of the deceased was a definite and determining factor in the transaction from the very outset".

5. THE Revision Petition is lame of strength, therefore, the same is dismissed. The case is vexatious and frivolous, therefore, costs in the sum of Rs.10,000/ - are imposed, which will be paid by the petitioner to the complainant/respondent through Bank Draft, within a period of 45 days from the date of receipt of this order, otherwise it will carry interest @ 9% p.a. till its realization.