(2006) 03 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

UNITED INDIA INSURANCE CO. LTD. APPELLANT

Vs

JANABAI MARUTI LOHAR RESPONDENT

Date of Decision : 20-03-2006

Acts Referred:

Citation : 2006 0 NCDRC 28 : 2006 1 CPR 327 : 2006 2 CPC 166 : 2006 2 CPJ 258

Hon'ble Judges : RAJYALAKSHMI RAO J.

Advocate : DEEPA CHACKO

Judgement

1. THIS is a case of repudiation of claim of Mrs. Janabai Maruti Lohar, respondent against United India Insurance Co. Ltd., Revision Petitioner.

2. A Janata Personal Accident Policy for Rs. 2 lakh was issued by petitioner to Mr. Maruti Lohar, husband of the respondent. During the policy period the insured suffered head injury on 4.11.1998 due to fall at the borewell. He was taken to Umarga Rural Hospital where initial treatment was given and the Doctor advised the members of the family that the insured be shifted to Solapur Civil Hospital. The insured died on 9.11.1998. Petitioner repudiated the claim that Doctor at Umarga gave treatment for Malaria and that head injury did not cause death of the insured. Heard the arguments and perused the record. It is seen from the record that due to poor financial condition respondent could not take her husband to the Civil Hospital and that the insured died due to accident. In support of this contention affidavits of the Sarpanch and other reputed persons of the village of the deceased were filed. It is also seen that investigation report submitted only Doctor''s statement who mentioned above treatment of Malaria two years after the death of the insured. The Investigator did not visit the village and enquired about the cause of death with the Police Patil, Sarpanch and the other reputed persons of the village. Such incomplete investigation made by the Investigator cannot be relied upon. There is no reason to disbelief the affidavit of the Sarpanch of the village as the Investigator has not gone to the village to assess the cause of death and to confirm whether the accident took place or not.

Investigator visited the Doctor at Umarga 2 years after the death of the insured who merely mentioned that he treated the insured for Malaria but yet asked the family members to shift the insured to Government Hospital in Solapur. Even this contention affirms the fact that the insured was seriously injured and needed immediate treatment.

3. IN view of the above discussion it is very clear that petitioner showed total apathy while repudiating the claim of the respondent without proper investigation. Both the Fora below came to the correct conclusion that this amounts to deficiency of service and allowed the complaint. There is no illegality or jurisdictional error in the order passed by State Commission warranting interference in revisional jurisdiction under Section 21 (b) of Consumer Protection Act, 1986. Hence, Revision Petition dismissed.

