

(2007) 10 NCDRC CK 0022

In the National Consumer Disputes Redressal Commission

United India Insurance Company Ltd.

APPELLANT

Vs

PALLAMREDDY ARUNA

RESPONDENT

Date of Decision : 22-10-2007

Acts Referred:

Citation : 2007 4 CPJ 389

Hon'ble Judges : M.B.Shah , Rajyalakshmi Rao J.

Final Decision : Revision Petition dismissed

Judgement

1. HEARD the learned Counsel for the petitioner.
2. IN our view, the finding of the fact recorded by the District Forum as well as the State Commission does not call for any interference because they have relied upon the Certificate issued by the Police Officer, after investigation, to the effect that the insured died due to snake bite. The Village Administrative Officer has also given a certificate to the same effect, and, also the doctor who enquired into the cause of the death of the deceased established that the insured died due to snake bite. This aspect is dealt with by the District Forum as under: "Ex. B1 shows that the first Sri B.V. Sesha Reddy INSurance Surveyor and after that Mr. P. Ajay Kumar, Advocate was appointed as Surveyor and after that an independent inquiry by the Mandal Revenue Officer against the request of the insurer and thereafter Spy Eye Detectives were appointed. But there is no any logic for appointing subsequent Surveyors and Ex. B1 report also shows that the report of the Dama Ajay Kumar is favourable to the complainant. So as per the above said decision the report which is favourable to the insured shall be prevail and the Counsel for the opposite parties also relied on EX. B3 certificate. Ex. B3 certificate issued by the Sarpanch incharge of Mudivarthipalem Grama Panchayat. It shows that the insured died due to Cardiac arrest. Ex. A2, ex. a3, ex. A5, Ex. A6 and EX. A8 shows that the cause of the death of the insured is cardiac arrest due to the snake bite. But Ex. B3 does not show the cardiac arrest due to snake bite or not. When Ex. A2 Medical Officer certificate clearly shows that the insured died due to snake bite, nothing is found to disbelieve the

contents of the Ex. A2, Ex. A3, Ex. A5, Ex. A6 and Ex. A8. So in view of it, Ex. B1 to Ex. B3 are no way helpful to establish the case of the opposite parties that the insured death is natural one."

However, the learned Counsel for the petitioner has relied upon the Investigation Report, and submitted that there is no other evidence on record to establish that the insured died because of the snake bite. In our view, the Investigation Report is based upon the appreciation of evidence collected by the investigator, There is no reason to doubt the police investigation or the say of the Medical Officer.

The learned Counsel for the petitioner further submitted that without conducting post-mortem, the doctor cannot say, by mere look at the dead body, that the person has died because of the snake bite. In our view, the doctor can, on taking into consideration the symptoms/cause of the snake bite, easily certify or arrive at the conclusion that person died because of the poison. Even a layman can say the same thing some times.

3. THE learned Counsel for the petitioner further submitted that in terms of the policy, conduct of post -mortem is a must. In our view, in a small village, when a person dies because of snake bite, they would not wait for post-mortem or would not remove the dead body to the Civil Hospital which is far off. Hence, there is no substance in this revision petition and it is dismissed. R.P. dismissed.