IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.11382 of 2013
Date of decision: 20.01.2015

Aegon Religare Life Insurance Company Limited ... Petitioner

versus

The Insurance Ombudsman Chandigarh (Punjab, Haryana, Himachal Pradesh, J&K and Chandigarh) and others.
.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vikram Punia, Advocate, for the petitioner.

Mr. Rajneesh Malhotra, Advocate, for respondent No.1.

Mr. P.S. Thiara, Advocate, for respondents 2 and 3.

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1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. *(Oral)*

I am loathe to interfere in an order of Ombudsman a mechanism provided by the Insurance Companies themselves as a measure of dispenser of justice without having to involve parties in court litigations and the expenses connected therewith when the order on the face of it is appropriate and just. The justice component that the Ombudsman saw was in a situation of the Insurance

Companies underwriting a policy of insurance for a man who is 68 years of age and the policy of insurance was for a period of 20 years. The Ombudsman termed it as a mis-selling of the policy. The Insurance Company's plea is that only after the payment of the third installment of the premium, the policy was sought to be resiled from, originally on a plea of domestic problems and later, was stated to be mis-selling. The Ombudsman has found the truth of the complaint from the nature of the policy undertaken and the Insurance Company must act with grace to accept the decision. It is difficult to accept the Insurance Company's plea that a man at 68 years would take a policy for 20 years and the Insurance Company would also undertake such a risk, no matter that the beneficiary was a daughter who was far younger in age. The writ petition is dismissed. The payment due in the manner directed by the Ombudsman shall be made within 4 weeks with interest on the amount accumulated at 12% from the date when the amount was found liable to be paid till the date of payment.

(K.KANNAN)
JUDGE

20.01.2015
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