IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15109 of 2016

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1. Subhadra Kumari wife of Late Rajiv Ranjan resident of village Dulari Bigha, P.S. Ekangar Sarai, District Nalanda.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Finance, New Delhi.
2. The Life Insurance Corporation of India through its Chairman, Yogakshe Kumar, Jiwan Bima Marg, Nariman Point, Mumbai.
3. The Managing Director, Life Insurance Corporation of India, Yogakeshekm Jiwan Bima, Nariman Point, Mumbai.
4. The Regional Manager, Life Insurance Corporation of India at Fraser Road, Patna.
5. The Divisional Manager, Life Insurance Corporation of India.
6. The Branch Manager, Life Insurance Corporation of India Biharsharif Branch, District Nalanda.
7. The Assistant Administrative Office (Claim) at .... District ....

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Prabhat Kumar
For the Respondent no. 2 to 7 : Mr. Rajeev Ranjan Prasad, Adv.
Mr. Abhishek Singh, Adv.
Ms. Surabhi, Adv.
Mr. Abhimanyu Vatsa, Adv.
Mr. Sudhanshu Trivedi, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 10-05-2017 Heard learned counsel appearing for the parties.

In the present case, the petitioner, who is widow of late Rajiv Ranjan, has claimed the payment of insurance amount of Rs. 2.5 lacs as late Rajiv Ranjan was insured by the Life Insurance Corporation. Through the proposal form, filled up by the deceased, where answer with respect to his medical condition with respect to a disease has been given in negative, but the information supplied by employer indicates that he had remained absent from the place of work on the ground of medical treatment, even remained absent for more than a week during the last five years. The husband of the petitioner died on 15.08.2010 and thereafter, the petitioner has filed an application for payment of the insured amount, which was repudiated by letter dated 23.03.2012 mentioning, therein, that the husband of the petitioner deliberately suppressed the fact about his medical treatment, thereby, furnished the wrong information with respect to his case.

In the counter affidavit, learned counsel for the LIC has produced the proposal for insurance. On perusal of the same, it appears that against the query of his absence on the medical ground, the answer was given in negative. It appears from the information furnished by the employee of RMS PT. Dn. Patna, indicates that the deceased had remained absent for a total period of 183 days within five years on account of his treatment as was suffering from kidney problem. The information supplied very much shows that the husband of the petitioner remained absent from 23.02.2010 to 08.03.2010, 30.03.2010 to 12.05.2010 and 24.05.2010 to 15.08.2010 on account of his illness.

Learned counsel for the petitioner submits only on the ground of medical leave whole of the claim of the petitioner has been rejected. In fact, the employer was not granting leave easily. On that reason, the husband of the petitioner adopted this method to avail the leave.

Learned counsel for the LIC submitted that the deceased was not fair in suppressing facts while subscribing the insurance as was suffering from Kidney problem.

Had there been proper disclosure of his health condition, in such circumstance LIC might not have covered his life. As the husband of petitioner got coverage of his life by suppression of essential information. Accordingly, claim of petitioner has been repudiated.

In view of suppression of material facts for getting coverage of life, cannot be said to have passed illegal order.

In such view of the matter, this Court is not inclined to entertain the application. Accordingly, the writ application is dismissed.

(Shivaji Pandey, J.)

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