HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WP.No.39264 of 2013

Date:09.08.2018

Between:

Shaik Nasimoon,

W/o Late Shaik Hussain Peera

.....Petitioner

And:

United India Insurance Company Limited,

reptd., by its Branch Manager,

Maharashtra and three others.

....Respondents

Counsel for the petitioner: Mr. Raja Reddy Koneti

Counsel for respondent Nos.1 & 2: Mr. Suri Sravan Kumar

Counsel for respondent No.3: Mr. K.L.N.Raghavender Reddy

For Mr. K.Lakshman

Asst. Solicitor General

Counsel for respondent No.4: AGP for Civil Supplies (TS)

The Court made the following:

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This is a most unfortunate case where the petitioner, who lost her husband, who went to the Kingdom of Saudi Arabia in search of livelihood in a road accident on 26.11.2007, is still clamouring for payment of amount due under the insurance policy due to a hyper-technical reason, *viz.*, that she failed to produce certain of the original documents required by respondent Nos.1 to 3.

The facts of the case have been narrated in detail by the District Consumers' Redressal Forum, Kadapa, (for short 'the District Forum') in its order, dated 14.5.2009, in Consumer Complaint No.13 of 2009. Therefore, it is unnecessary for us to repeat the same in this order. It will suffice to note that in their version by respondent Nos.1 and 2 before the District Forum, they have admitted that the husband of the petitioner obtained Pravasi Bharateeya Bheema Yojana Policy from respondent No.1, as per which, if the policy holder dies within the policy period, respondent No.1-company has to pay Rs.5 lakhs to the nominee of the policy holder and that the policy was in force from 06.02.2007 to 05.02.2009, while the death of the petitioner's husband has taken place on 26.11.2007. The respondents have also not disputed the cause of death of the policy holder as being a road accident. The only reason for the respondents to withhold the payment of compensation is that the petitioner failed to file some original documents. The District Forum in its order has observed that most of the documents were obtained by the petitioner from the Kingdom of Saudi Arabia and that therefore there was no justification for respondent Nos.1 and 2 to insist on filing of the originals of such documents and it has, accordingly, allowed the said Consumer Complaint filed by he petitioner. However the A.P. State Consumer Disputes Redressal Commission, Hyderabad, (for short 'the State Commission') by the impugned order reversed the said order of District Forum by stating that compensation cannot be paid to the petitioner without her filing the original documents.

During the hearing of this case, on our direction, the petitioner has produced a copy of the policy. A perusal of this policy shows that it covers the personal accident for a sum of Rs.5 lakhs. No conditions are annexed to this policy. Except insisting that as per the conditions of the policy, the petitioner has to produce the original documents, the learned Standing Counsel for respondent Nos.1 and 2-Insurance Company is unable to draw our attention to any such policy conditions requiring the petitioner to produce the original documents, as sought by respondent Nos.1 to 3.

When the respondents are not disputing the material facts, *viz.*, the insurance coverage of the husband of the petitioner, the cause of death being accidental, the death having taken place during the subsistence of the policy and the petitioner being the nominee of her husband, it is highly unreasonable on the part of the respondents to deny the petitioner payment of the assured sum legitimately due to her. As the husband of the petitioner being the sole bread winner, who travelled to a far off place only to make both ends meet for himself and his family, died in an accident, denial of compensation legitimately receivable by the petitioner on a jejune ground of non-production of some original documents is highly reprehensible. Respondent Nos.1 and 2 being a Public Sector Company cannot display such attitude. The State Commission, which has not referred to any policy conditions under which the respondents are entitled to insist on production of original documents as a condition for payment of the assured sum under the policy, committed a serious error in reversing the order of the District Forum.

For the afore-mentioned reasons, the impugned order of the State Commission is quashed. Respondents Nos.1 and 2 are directed to pay the compensation payable under the policy to the petitioner within one month from the date of receipt of a copy of this order along with costs of Rs.25,000/- (Rupees Twenty Five thousand only).

As a sequel to disposal of the Writ Petition, WPMP.Nos.48774 and 48775 of 2013 and I.A.No.1 of 2018 filed for interim relief are disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

09th August, 2018
DR