

**104 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-17281-2018

Date of decision-18.07.2018

**Bajaj Allianz General Insurance Co.Ltd.
Vs.**

...Petitioner

Jaswant Kaur Gurm and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashwani Talwar, Advocate for the petitioner.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for issuance of a writ in the nature of certiorari for quashing the order dated 22.01.2018 (Annexure P-1) passed by respondent No.2 whereby the petitioner has been directed to pay ₹60,200/- as medical expenses, ₹.10,000/- towards harassment and ₹.5,000/- as litigation expenses alongwith interest @ 9% per annum on account of repudiation of the travel health Insurance Policy claim.

Learned counsel contends that claim of respondent No.1 has been rightly rejected in view of the fact that she did not disclose about her medication history of hypertension, gastroesophageal reflux disease, arthritis and low haemoglobin (anemia) in the proposal form. Thus, the act and conduct of the insured is violative of the exceptions as provided in Clause 2.4 and 2.4.12 of the Terms and Conditions of the policy.

I have heard learned counsel for the petitioner and have gone through the case file.

It is to be seen that the haemoglobin of the insured at the time of medical examination by the Doctor of the Insurance Company was 10.8 gram. However, it was never pointed out on the basis of said medical examination that the insured who is an octogenarian was suffering from inherent weakness and thus, not fit to travel abroad. The clinical tests as conducted upon the patients did not contain any such report or recommendations. Thus, the insurance company at this stage cannot be allowed to take a somersault. The insured was admitted in the hospital on 13.06.2015 i.e. after the date of issuance of policy and thus the expenses incurred by the insured on such hospitalization are liable to be reimbursed by the Insurance Company. The impugned order is perfectly legal and calls for no interference by this Court.

Thus, in view of the above discussion, the present writ petition stands dismissed.

(JITENDRA CHAUHAN)
JUDGE

09.07.2018

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No