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

**CWP No.9266 of 2015
Date of decision:15.05.2018**

Smt. Usha Devi ...Petitioner

Versus

Life Insurance Corporation of India ...Respondent

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. K.B.Raheja, Advocate,
for the petitioner.

Mr. Piyush Sharma, Advocate, and
Mr. Varun Singla, Advocate, for the respondent.

Rakesh Kumar Jain, J.

The petitioner has challenged the order dated 22.11.2013 passed by the Permanent Lok Adalat (Public Utility Services), Bhiwani, by which her application filed under Section 22-C of the Legal Services Authority Act, 1987 (hereinafter referred to as the "Act") has been dismissed.

Briefly stated, the husband of the petitioner, namely Rajinder Singh, had obtained an insurance policy No.177562080 for a sum of ₹6,25,000/-, which was issued on 19.02.2011 and the maturity date was 19.02.2027. Rajinder Singh was found dead on 18.01.2012 in the room of a hotel called "Pandtan Da Dhaba, Uchana". At that time, a bottle of liquor and food was found nearby the deceased. Father of the deceased, at the time of inquest, did not raise any suspicion against anyone and it was ultimately found that the death was caused due to consumption of some poisonous substance,

therefore, the Insurance Company repudiated the claim of the petitioner on the

ground that the insured had committed suicide and death had occurred within a period of one year of the insurance. There is no dispute that in the chemical examination of the visra of the deceased, aluminum phosphate and ethyl alcohol was found. The police did not register any case against any one much-less any unknown for having caused the murder of the insured. Father of the deceased did not raise any suspicion against anyone, therefore, the Permanent Lok Adalat opined that it was a case of suicide and in terms of Clause 6 of the Insurance Policy, the petitioner was not entitled to any compensation/claim.

Learned counsel for the petitioner has submitted that the Permanent Lok Adalat has committed an error in appreciation of facts and has relied upon a decision of the Madhya Pradesh High Court rendered in the case of **The Branch Manager, Life Insurance Corporation of India and another vs. Ku. Ankita and anr.**, 2006 AIR (M.P.) 195 to contend that there was no evidence to support the allegation of suicide, therefore, probabilities cannot turn into the proof itself.

On the other hand, counsel for the respondents has submitted that the police did not find any incriminating substance suggesting administration of pesticide with alcohol to the deceased by someone else because the police had recovered “sulphos”, one glass and steel spoon from the place of occurrence which shows that it was a voluntary act on the part of insured Rajinder Singh to put an end to his life by taking “sulphos” along with alcohol and who found dead in the room. Moreover, there is no allegation levelled by the father/family of the deceased against anyone to have committed the murder i.e. by forcefully administering “sulphos” pesticide to deceased Rajinder Singh.

After hearing learned counsel for the parties and examining the

available record, I am of the considered opinion that there is no error at all in the approach of the Permanent Lok Adalat in deciding the lis because the circumstances narrated herein above strongly indicate commission of suicide by Rajinder Singh deceased and for that matter, the decision relied upon by the petitioner rendered in **Ankita's case (supra)** would be of no use.

No other point has been raised.

In view of the aforesaid, the present petition is hereby dismissed being denuded of any merit.

May 15, 2018
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No