IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-1919-2015
Date of Decision: July 15, 2019

DLF Pramerica Life Insurance Company Ltd & Ors
... Petitioner
vs.
Permanent Lok Adalat and Another .. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vaibhav Jain, Advocate
for the petitioners.

Mr. Ramesh Sharma, Advocate for
Mr. A.P.S.Bhinder, Advocate
for respondent No.2.

****

<u>ARUN MONGA, J. (ORAL)</u>

Challenge herein is to the award dated 22.05.2014 (Annexure P-8) passed by Permanent Lok Adalat (here for short PLA) directing the petitioner to pay to respondent No. 2 a sum of ₹5 lacs with interest and costs.

2. Uma Wadhwa, since deceased life insured (for short hereafter described DLI), wife of respondent No. 2, applied for and signed proposal form on 22.04.2011 for insurance for an assured sum of ₹10 lacs on payment of annual premium of ₹50,000/- for 15 years. She paid the first annual premium. Petitioner issued policy with risk commencement from 16.05.2011. The DLI suddenly died due to heart failure on 24.06.2011. Petitioner having not paid the death claim, respondent No. 2 took the matter to the PLA for pre-litigation settlement/adjudication. The PLA on

consideration of the material before it, passed the impugned award.

3. Learned counsel for the petitioners has vehemently argued that the DLI had concealed the material facts concerning her health conditions. To elaborate the submission, he has relied upon the following answers given by the DLI to the questions pertaining to her health condition in the proposal form signed by her :

> "*1. I have never had any signs or symptoms or been told that I have any heart conditions, hypertension, stroke, disability, paralysis, cancer, tumour or abnormal growth, diabetes, Kidney problem, liver disease, lung disease, gastrointestinal disease, mental illness HIV infection or Aids.... No.*
>
> *2. I do not currently have nor am I receiving treatment for any symptoms apart from minor aliments such as cold, flu or medical conditions or disabilities. I have not been hospitalized due to any illness or injury for continuous period for more than 2 days or received medical treatment for continuous more than 6 days during the last five years...No."*

4. It is the contention of the learned counsel for the petitioners that the DLI had been suffering from and taking treatment for tuberculosis and kidney problem prior to the submission of the proposal for insurance and that her sudden death due to heart failure on 24.06.2011 by itself indicates that she was also suffering from heart problem, when she submitted the proposal for insurance. It is argued that the concealment of these material facts by the DLI rendered the policy document void and, therefore, the petitioner was/is not liable to pay her death claim.

5. Learned counsel appearing for respondent No. 2 has contended

that the award of the PLA is perfectly legal and just.

6. Having heard learned counsel for the parties and gone through the record, I am unable to accept the contentions of the of the learned counsel for the petitioners. In my opinion the petition has no merit and is liable to be dismissed.

7. The petitioners produced before the PLA a few documents to show that the DLI had been suffering from and taking treatment for tuberculosis and kidney problem. Admittedly, these two diseases or any of them were not the cause of death of the DLI.

8. There was no document or specific material before the PLA showing that the DLI was suffering from any heart problem at the time of making the declarations in and signing the proposal.

9. The PLA, while passing the award, referred to, fully discussed and evaluated them threadbare. After recording cogent reasons, it came to the firm conclusion that the contention of respondent No. 2 (petitioner before the PLA) that DLI had no ailment in the past or at the time of filling the proposal form. To my mind, the conclusion drawn by the PLA is supported by sound reasons, is plausible and reasonable.

10. Assuming, without holding, that at the time of submitting the proposal for insurance, the DLI was suffering from tuberculosis and/or kidney problem, to my mind that would not be fatal to the insurance claim resulting from her death due to sudden heart failure.

11. Even in the instant case, the petitioners have not produced any material/document to show that at the time of making the declarations in and

signing the proposal the DLI was suffering from any heart problem. Merely because she suddenly died of heart attack after two of the proposal for insurance, it cannot be assumed/ held on conjectures and surmises alone that at the time of submission of proposal for insurance, she was already suffering from any such problem or if at all there was any illness of the heart, she actually knew of that and still intentionally concealed the same.

12. I see no reason to interfere with the award of the PLA. As a result, the petition is dismissed.

13. Registry is directed, after verification, to disburse to respondent No. 2 the amount deposited by the petitioners.

(ARUN MONGA)
JUDGE

15.07.2019.
smriti

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