

IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.19970 of 2016
(Through hybrid mode)**

Divisional Manager LIC of India ***Petitioner***
Mr. H. K. Ratsingh, Advocate
-versus-

Baijaynti Mohanty ***Opposite Parties***
Mr. R. K. Mohapatra, Advocate

CORAM: JUSTICE ARINDAM SINHA

ORDER
15.09.2022

Order No.
05.

1. Mr. Ratsingh, learned advocate appears on behalf of petitioner (Insurance Company). He submits, he has instruction to pray for disposal of the writ petition in line with order dated 13th September, 2022.
2. Mr. Mohapatra, learned advocate appears on behalf of opposite party.
3. Text of order dated 13th September, 2022 is reproduced below.

“1. Mr. Ratsingh, learned advocate appears on behalf of petitioner (Insurance Company). He submits, impugned is award dated 29th June, 2016. On the claim made there was investigation and it transpired that the Dead Life Assured (DLA) had terminal disease of cancer. This was not disclosed at the time of taking the

policy nor when it was revived upon lapse due to nonpayment of premium. He submits, there be interference.

2. On query from Court, Mr. Ratsingh submits with reliance on report dated 8th May, 2010 that malignant epithelial cells were found present in liver of the DLA. This, according to him, ought to have been disclosed on 12th July, 2010, when there was declaration made for revival of the policy. He submits, the DLA caused gross misrepresentation inasmuch as the revival form was filled up from hospital bed.

3. Mr. Mohapatra, learned advocate appears on behalf of opposite party. On query from Court he submits, impugned award directed payment of the sum assured at Rs.1,00,000/- and 6% interest. He submits, in event the insurance company forthwith pays the sum assured, his client will not press for interest.

4. There is no disclosure to show there was detection of cancer, when the policy was taken. Only controversy for adjudication in judicial review is whether there was correct disclosure made in answer to the three questions under sl. no.2 in the revival form, by the DLA on 12th July, 2010. The Hospital discharge certificate shows hospitalization at the outside of five days.

5. Mr. Ratsingh prays for adjournment to obtain instructions and make submissions on adjourned date.

6. List on 15th September, 2022.”

4. Petitioner will pay sum assured at Rs.1,00,000/- within three weeks from date in execution discharge and satisfaction of

impugned award. In event the payment is not made within that time, the sum assured and interest as directed in the award, are to be paid.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Prasant

