

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8380 OF 2017

SMT MANJUSHA CHANDRASHEKHAR RACHATTE
VERSUS
THE MANAGER LIFE INSURANCE CORP OF INDIA AND ANOTHER

...
Advocate for Petitioners : Mr. S. S. Halkude
Advocate for Respondent Nos.1 & 2: Mr. Girish S. Rane
...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 7th September, 2022

PER COURT :-

1. The petition raises several disputed question of facts. The petitioner is claiming insurance claim on account of death of her husband. The death claim is rejected by the Insurance Company on the ground that, deceased husband of the petitioner at the time of availing the insurance policy, suppressed about his ailments and has supplied incorrect information.

2. The husband of the petitioner is expired due to cardiac arrest. The death certificate at annexure R-3 (Page-107) of the petition states as follows;

" HISTORY & COURSE IN THE HOSPITAL:

Mr. Rachatte Chandrashekat, came with h/o decreased appetite, nausea, vomiting, lithergyiness since 15 days with h/o dark colored stool since 2 days.

H/o progressive jaundice was present since 15 days.

On evaluation patient was detected to have decompensated chronic liver disease with hepatic encephalopathy, severe jaundice and tense ascites (no SBP). He was detected to have seropositive for Hbs Ag on 29.12.2011, Lab investigations revealed sepsis with acute kidney injury. Patient was shifted to MICU due to development of acute coronary syndrome with cardiogenic shock and was started on inotropic agents and other supportive treatment. On 14.01.2012 patient developed cardiorespiratory arrest and despite of all efforts he expired at 8:05 pm on 14.01.2012."

3. In these facts, it is a matter of evidence as to whether the diseases mentioned in the death certificate led to cardiac arrest of the husband of the petitioner and whether on account of non disclosure of correct information, the Insurance Company is justified in rejecting the death claim.

4. This Court in exercise of jurisdiction under Article 226 and 227 cannot go into these disputed question of facts, which are required to be proved by leading evidence.

5. In that view of the matter, writ petition is disposed of, by granting liberty to the petitioner to avail appropriate remedy in law. Time spent by the petitioner in prosecuting the present petition shall be taken into consideration at the time of considering delay, if any.

[NITIN B. SURYAWANSHI, J.]