IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.08.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.No.1562 of 2021

T.Nagammal .. Appellant

Vs.

1. The Insurance Ombudsman
   Fathima Akthar Court (4th Floor)
   453, Anna Salai
   Teynampet
   Chennai 600 018.

2. The Chairman
   Central Office Claims Review Committee
   LIC of India
   CRM Department
   Yogakshema, 5th Floor Link
   J.B.Road, Mumbai 400 021.

3. Zonal Office Claims Review Committee
   Zonal Office
   Life Insurance Corporation of India
   LIC Building
   153, Anna Salai
   Chennai 600 002.

4. Senior Divisional Manager
Life Insurance Corporation of India
Divisional Office
Jeevan Prakash
P.O.Box No.183
Tirunelveli 627 002. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 12.02.2021 made in W.P.No.10852 of 2014.

For the Appellant	:	Ms.Elizabeth Ravi
For the Respondents	:	No appearance - for Respondent-1
		Mr.B.Deepak Narayanan for Respondents 2 to 4

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Ms.Elizabeth Ravi, learned counsel for the appellant and Mr.B.Deepak Narayanan, learned counsel for the respondents 2 to 4.

2. The appellant had filed the writ petition challenging the order of the Ombudsman negativing the life insurance claim on

account of death of her husband. The learned Single Judge dismissed the writ petition.

3. The Insurance company has repudiated the claim of the appellant on the ground that the husband of the appellant had suppressed and/or concealed the fact that he had undergone bypass surgery in the year 1999. It was not mentioned in Clause 11 of the proposal form, which is a suppression of fact.

4. A perusal of the order transpires that the learned Single Judge has decided the subject matter on the basis that it is a medi-claim policy. The respondent Insurance company contends that it is an endowment policy. Based on record, it appears that the same is not a medi-claim policy.

5. The other question that would be required to be considered by the learned Single Judge is that if the deceased husband of the appellant would have stated his ailment, then, whether the

insurance company would have refused to undertake the risk and or would not have issued the policy. The said aspect also needs to be considered.

6. In the light of the above, the impugned order is quashed and set aside and the matter is relegated before the learned Single Judge. The parties may appear before the learned Single Judge in the said writ petition on 05.09.2023, subject to the convenience of the learned Single Judge.

7. The writ appeal is partly allowed. There will be no order as to costs.

(S.V.G., CJ.) (P.D.A., J.)
08.08.2023

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU, J.

(kpl)

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