04.09.2024
Court No.09
Item no.33 ML
CP

WPA No. 4832 of 2024

Parikshit Mondal
Vs.
Life Insurance Corporation of India & ors.

Mr. Ambu Bindu Chakraborty
Ms. Mrinmoyee Roy Chowdhury

……for the Petitioner.

Mr. Md. Maznu Ahmed
……for the LICI.

The writ petition is disposed of with a direction upon the Zonal Manager, Life Insurance Corporation of India to treat the writ petition as a representation of the petitioner and decide the issue of release of the sum insured on the death of the son of the petitioner. The petitioner is the nominee.

Learned advocate for the LICI submits as follows:-

a) The pre-existing disease of Thalassemia was not disclosed.
b) A patient suffering from Thalassemia cannot be insured.
c) The cause of death was Meningitis and Thalassemia.

The following issues are required to be decided by the Zonal Manager, by taking specific note of the fact that a 16 years old child died and his life was insured. First, the proximity between the creation of the LIC policy and the death should be ascertained. On what basis the authorities were of the view that Thalassemia had been suppressed, is to be determined. Every person does not take a test to detect Thalassemia, before making an LIC policy. Often, Thalassemia is detected in the course of treatment of another disease. Thus, the issue of non-disclosure of Thalassemia is a factual matter which the LIC should have enquired into and brought before the court with documents to show that an enquiry had revealed that before the death of the insured, the insured had been undergoing treatment for Thalassemia since long and had suppressed the matter before the LIC authorities.

Unless these issues are answered with proper evidence, the LIC authorities cannot deny the death claim. Under such circumstances, the death claim will be processed by the Zonal Manager on the prayer of the petitioner and upon answering the issues which have been framed by this court, hereinabove.

The petitioner shall be called for a hearing and necessary steps shall be taken. If the authorities cannot find any evidence to show that the insured was being treated for Thalassemia since long, that is, much prior, to the date of the LIC policy, the death claim must be released.

The entire exercise shall be completed within a period of three months from the date of communication of this order.

The writ petition is disposed of accordingly.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)