



W.P (MD).No.20881 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

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THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.20881 of 2021

K.Ezhilarasi

... Petitioner

/Vs./

The Senior Divisional Manager
Life Insurance Corporation of India,
Claims Department, Divisional Office,
Gandhiji Road,
Thanjavur - 613 001.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Policy No. 758430511 dated 04.02.21 on the file of the Respondent and quash the same and further directing the respondent to disburse the insured amount with accrued bonus in policy No. 758430511.

For Petitioner : Mr.R.Ganesh Prabhu

For Respondent : Mr.G.Prabhu Rajadurai,
Standing Counsel



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ORDER

This writ petition has been filed challenging the repudiation of insurance claim, dated 04.02.2021 made by the petitioner.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner's husband while was working as Principal Incharge in Government Arts and Science College, Manimedu, Mayiladuthurai District, he subscribed to the policy with the respondent under the Policy No. 758430511. According to the said policy, the sum assured is Rs.10 lakhs. On a perusal of the policy, it revealed that the petitioner is a nominee, who is being the wife of the insured. While being so, he died on 09.01.2020 due to sudden cardiac arrest. He had a chest pain and immediately, he was taken to hospital, unfortunately, he died without taking any treatment. After his demise, the petitioner made a claim under the policy No.758430511, it was denied on the ground of suppression of material facts that the petitioner was taking treatment for chest pain from the year 2016 onwards and he was admitted in the hospital on several occasions. He also obtained medical leave on many occasions.



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Therefore, the claim of the petitioner was rejected and repudiated the amount, which was subscribed to the policy to the tune of Rs.53,713/-.

4. learned counsel for the respondent would submit that the petitioner's husband while taking the policy he answered the questions is as follows:

“11(a) During the last five years, did you consult a Medical Practitioner for any Ailment requirement for more than a week?

No

11(c) Have you remained absent from place of work on grounds of health during the last 5 years?

No

11.d.9. Are you suffering from or have you ever suffered from Diabetes, Tuberculosis, High Blood Pressure, Low Blood Pressure, Cancer, Epilepsy, Hernia, Hydrocele, Lepros or any other disease?

No

*11(i) What has been your usual state of health?
Good”*

Thereby, he suppressed the material facts that he already suffered with chest pain and he also suffered with cardiac arrest. Therefore, the petitioner's claim was rightly rejected.



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5. He further submitted that on verification of records from the deceased employer as well as from the hospital it was found that the deceased availed leave on medical grounds on various occasions for a period more than a week from his employer before taking the policy. He was also admitted in the Meenakshi Mission Hospital for his cardiac Artillery Disease from 12.12.2016 to 13.12.2016 as In-patient, that too, in ICU. This facts were suppressed by the insured and obtained the policy. If at all the deceased revealed the said facts, the respondent would not accept the proposal for Rs.10 lakhs under the Policy No.758430511.

6. On perusal of the records revealed that the petitioner's husband was working as Principal incharge in the Government Arts and Science College, Manimedu, Mayiladuthurai District. He had taken the medical leave from the college for 4 days from 26.02.2024 to 01.03.2024, 5 days from 22.06.2025 to 26.06.2025, 18 days from 27.06.2016 to 14.07.2016, 3 days from 10.08.2016 to 12.08.2016, 4 days from 23.08.2016 to 26.08.2016, 5 days from 12.12.2016 to 16.12.2016 and 4 days from 20.12.2016 to 23.12.2016. He had admitted in the Meenakshi Mission Hospital from 12.12.2016 to 13.12.2016 for his chest pain and one day he was admitted as inpatient and discharged from the



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hospital without any surgery. After 2016, there was no medical leave by the insured and he did not even undergone any surgery or treatment. The petitioner was suffered with fever and Typhoid those are incidental to any one life, there is no evidence to show that the petitioner had chronic heart ailments. In fact, on 09.01.2020 he suffered sudden cardiac arrest and died, even before taking any treatment. Therefore, mere suppression of facts that the petitioner had taking treatment during the last 5 years and he obtained medical leave on the health ground are not the reason for rejection of claim.

7. That apart, on perusal of the application, it was in question as mentioned supra and for the above questions, the insured has to answer only by way of 'Yes' or 'No'. Normaly, the application for insurance policy is filled up by the Agent, that too, without getting any instructions from the any insured. It is seen from the application form that the proposal form for the policy was filled up by the Agent one R.Jegannath. The insured did not approach the respondent directly to take the insurance policy. He was canvased by the agent namely R.Jegannath and the proposal form was also filled up by him without even consulting the insured and obtained the signature. Therefore, it cannot be said that the insured suppressed the fact that he went on medical leave and also admitted in the hospital.



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8. These suppression cannot be the reason for denial of entire claim.

Now, the insured lost his life due to sudden cardiac arrest. Therefore, the petitioner is entitled for the claim amount as per the policy.

9. In view of the above, the impugned order passed by the respondent dated 04.02.2021 is liable to be quashed and accordingly it is quashed. The respondent is directed to disburse the policy amount with interest at the rate of 6% p.a., from the date of claim namely 01.07.2020 till the date of payment without a period of four weeks from the date of receipt of a copy of this order.

10. In the result, the writ petition is allowed. No costs.

Internet : Yes

Index : Yes/No

Speaking/Non Speaking order
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20.12.2024

To

The Senior Divisional Manager
Life Insurance Corporation of India,
Claims Department, Divisional Office,
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G.K.ILANTHIRAIYAN, J.

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