



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-7313-2025**

**Date of Decision: 12.05.2025**

**PNB Metlife India Insurance Company Ltd.**

.....Petitioner

**Versus**

**Anita Rani and another**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present : Mr. Aryavart, Advocate, for the petitioner.

Mr. S.S.Sarwara, Advocate, for respondent-caveator No1.

\*\*\*\*

**KULDEEP TIWARI, J.(Oral)**

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, challenge is thrown to the Award dated 20.11.2024 (Annexure P-9), passed by the Permanent Lok Adalat (Public Utility Services), Mohali, (hereinafter referred to as 'PLA') where through, the petition filed by respondent No.1 was allowed and the petitioner-Insurance Company was directed to pay Rs.25 lakhs, alongwith interest @ 8% per annum, from the date of death the husband of respondent No.1, till the actual date of payment. Further, the petitioner-Insurance Company was also burdened with a cost of Rs.50,000/- on account of mental harassment, and Rs.25,000/- towards litigation expenses.

2. In an attempt to lay challenge to the impugned award, learned counsel for the petitioner-Insurance Company has made the following submissions:

i) the PLA failed to appreciate the aspect of concealment of a pre-existing disease of Tuberculosis, in its rights perspective;



ii) While referring to Annexure P-4, which is a proposal/application form submitted by the deceased, he submits that there was no disclosure of the pre-existing disease, and therefore, the petitioner-Insurance Company rightly repudiated the claim of respondent No.1 on account of misrepresentation.

3. No other argument was raised by learned counsel for the petitioner before this Court.

4. On the other hand, learned counsel for respondent No.1-caveator, while drawing attention of this Court to Ex.A6 and Ex.R2, submits that the petitioner-Insurance Company has got signatures of the deceased on blank columns, which were subsequently filled by different persons. He asserts that the PLA has also recorded specific observations in this regard.

5. I have considered the submissions made by learned counsel for both the parties and perused the available record.

6. All what reflects from the perusal of the instant petition is that, though the insured (deceased husband of respondent No.1) was suffering from Tuberculosis, but, at the time of taking the insurance policy, the said disease was not even in existence, as he got fully recovered in the year 2019. This aspect is very well established by respondent No.1, by placing on record the medical certificate dated 28.03.2019 (Ex.A7). Concededly, the said certificate has never been disputed either before the PLA or this Court. Therefore, as indicated above, once the deceased was fully cured from the disease (Tuberculosis) way back in the year 2019, the same was not required to be disclosed at the time of taking the insurance policy. Further, non-disclosure of the



cured disease has not prejudiced the petitioner-Insurance Company, in any way, as the deceased had not died on account of Tuberculosis. Rather, as per the death history, the deceased passed away due to a cardiac arrest, and there is nothing on record to substantiate that the cardiac arrest occurred due to the Tuberculosis.

7. Further, the PLA, after analyzing Ex.A6, which contains the proposal/application form submitted by the deceased for the purpose of taking the insurance policy, specifically observed that all the columns were left blank and only the signatures of the deceased were taken. However, the application form, which was later on placed on record by the petitioner as Ex.R-2, clearly indicates that the columns were subsequently filled up. Thus, the act of filling up the columns subsequently at the behest of the petitioner-Insurance Company, casts serious doubts upon its bonafides, which was rightly appreciated by the PLA. That being so, this Court finds no perversity or any error apparent on the record, requiring interference with the impugned award, specifically when the proceedings before the PLA were guided by the principles of natural justice, objectivity, fair play and equity.

8. In the wake of the position sketched out above, the only and inevitable conclusion that could be reached is that the petition is devoid of any merit, and the same is, accordingly, dismissed.

**May 12, 2025**

*Dharamvir/ AK Sharma*

|                            |   |        |
|----------------------------|---|--------|
| Whether speaking/reasoned. | : | Yes    |
| Whether Reportable         | : | Yes/No |

**(KULDEEP TIWARI)**  
**JUDGE**