2026:AHC:208676-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 28390 of 2026

Nitin Kumar @ Nitin Kumar Kesarwani

.....Petitioner(s)

Versus

Union Of India And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nand Kishor Mishra, Pawan Kumar Tripathi
Counsel for Respondent(s)	:	A.S.G.I., Ashish Gupta, Siddharth Singhal

Court No. - 21

HON'BLE ARINDAM SINHA, J.
HON'BLE SATYA VEER SINGH, J.

1. The writ petition was moved on 14th August, 2026. Paragraphs 1 and 2 from order made that day are reproduced below.

> *"1. Mr. Pawan Kumar Tripathi, learned advocate appears on behalf of petitioner and submits, his client lost his mother on 8th March, 2023. She had a life insurance policy, which has been misplaced. Prayer of his client is for consideration of his representation dated 22nd January, 2025, followed up by reminder dated 10th July, 2025 to pay out the sum assured.*
>
> *2. Mr. Ashish Gupta, learned advocate appears for respondent nos. 2 to 5 (the insurance company). He hands up his instruction dated 30th July, 2026. A passage from it is reproduced below.*
>
> > *"At present claim is under consideration on submission of fresh Claim form C by claimant on 13.05.2026 and claim from B issued by Hospital and submitted by claimant is under verification. Since death is due to Pulmonary TB. And both lungs were destroyed which indicate that disease was old and insured was suffering since long duration and it was not disclosed during proposal. We are investigating and sooner will settle the case.""*

2. Pleadings are complete. Mr. Ashish Gupta submits, firstly petitioner's prayer is for consideration of representation dated 22nd January, 2025. The consideration was made and the claim repudiated on writing dated 27th August, 2026. Petitioner has chosen not to challenge the repudiation inasmuch as, no amendment application was filed with prayer to that effect. Without prejudice he submits further, the government hospital

issued death certificate dated 8th March, 2023. He points out from the disclosure, against entry disease there is writing indicating tuberculosis. For purpose of verification of the claim it is standard procedure for his client to obtain discovery of information from the hospital. Answers to requisition dated 25th September, 2023 were given by the hospital. He refers to questions and answers thereto in the requisition, reproduced below.

"(2) उसकी मृत्यु के कारण वाले रोग के साथ-साथ और कौन-कौन से (1)..... रोग विद्यमान थे ? ऐसे रोगों या बिमारियों का ब्यौरा दीजिये ।

(क) रोगों के सर्वप्रथम मालूम होने की तिथि (क)……BL Ref. TB c….....

(ब) किसने उपचार किया ? (ख)....TB DM c Anaem.....

(ग) आपको बीमारी का वृत्तांत किसने बताया (ग).....c destroyed lung....."

He then draws attention to the proposal form. He points out, it was filled in by the insured on 11th January, 2022. In it there was specific question regarding chronic infections of, *inter alia*, tuberculosis. Under 'Section III, personal and family details of health and habits', relied upon entry no.12 is reproduced below.

"12. जीर्ण संक्रामक रोग / क्षय रोग / पुस्फुस आवरण शोध / त्वचा रोग / त्वचा एरेप्शन / कुष्ठरोग

12. Chronic infections-Tuberculosis/pleurisy/Skin Disease/skin eruption/Leprosy. No"

Mr. Gupta submits, with reference to above the insured had deliberately concealed she was suffering from tuberculosis. She died of the disease on diagnosis that her lungs were completely destroyed. In the circumstances, repudiation of the claim does not warrant interference.

3. Mr. Pawan Kumar Tripathi draws attention to aforesaid requisition. He relies on the entry therein, reproduced below.

"मृत्यु से पूर्व मृतक कितने दिनों से इस रोग से पीड़ित था ? About one month"

4. We accept petitioner's contention that the claim is a good one. The insurance company had required declaration on pre-existing disease. It had sent requisition for discovery of information to the hospital, in which petitioner's mother was admitted and thereafter died. Death certificate issued by the hospital and the requisition are documents disclosed by LIC. It is from these documents that there is information obtained that the deceased died of tuberculosis and she had been suffering from it, for approximately one month prior to her demise. Relied upon entry on declaration in the proposal form does not cover repudiation of the claim. It came during pendency of the writ petition, on writing dated 27th August, 2026, *i.e.* subsequent to token date of 14th July, 2026 in respect of the writ petition. The writ Court can mould the relief.

5. Communication dated 27th August, 2026 repudiating the claim under insurance policy no.206111414 is quashed and set aside. Petitioner will communicate certified copy of this order to respondent no.4, who, on query Mr. Gupta submits, is the proper authority. Within four weeks of the communication the claim is to be dealt with and paid out.

6. The writ petition is allowed and **disposed of.**

(Arindam Sinha,J.)

(Satya Veer Singh,J.)

October 6, 2026
Shiv

Digitally signed by :-
SHIV KUMAR SHARMA
High Court of Judicature at Allahabad