

Details	DD	MM	YY
Date of disposal	04	08	2023
Date of filing	31	03	2023
Duration			

BEFORE THE CONSUMER DISPUTES REDRESSAL COMMISSION
GUJARAT STATE AHMEDABAD.

COURT NO: 01

APPEAL NO. 381 OF 2023

1. Manager Shree
Reliance General Insurance Co. Ltd.
Plot No. 11 B, Corporate House,
Business Empire, 3rd Floor,
Dr. Radhakrishnan Road,
Near Kathyawad Jimkhana
Yagnik Road,Rajkot.
2. Manager Shree
Reliance General Insurance Co. Ltd.
Plot No. 11B, Corporate House,
Vadhvadi Road, Bhavnagar
Nexstate to Royal Industrial Estate.Appellants

Vs.

Soneshbhai Vashrambhai Patel
92/A, Jawaharnagar Society
Paliyad road, Botad. Respondent

Coram : Hon'ble Mr. M. J. Mehta, President (Acting)

Hon'ble Dr. J. G. Mecwan, Member

APPERANCE: Ms. K.S.Pathak, L.A. for the Appellants,
Mr. D.V.Trivedi, L.A. for the Respondent.

ORDER BY DR. J. G. MECWAN, MEMBER

JUDGMENT

1. Being aggrieved by and dissatisfied with the judgment and order rendered by the Learned District Consumer Disputes Redressal Commission, Bhavnagar on 02.03.2023 in Complaint No. 61 of 2021 the Appellant has filed Appeal under the Consumer Protection Act before this commission. For the sake of the convenience, parties are herein after referred to by their original nomenclature.

2. Brief facts of the case:

The complainant has obtained "Reliance Covid-19 Protection Insurance policy" from Opponents vide policy no. 920292028520000041 for the period from 10.04.2020 to 09.04.2021 with some insured of Rs. 2,00,000/- ,complainant was home quarantine and he has also took treatment for Covid-19 and for that he placed claim before the insurance company with all necessary documents, insurance company did not pass the claim. Being aggrieved with the same the complainant filed the complaint before the Ld. District Commission.

3. After hearing learned advocate for both the parties and after considering the documents and evidences, the Learned District Commission has partly allowed the complaint.

4. Being aggrieved by the impugned order of the Learned District Commission, Bhavnagar the complainant has filed the present Appeal before this Commission on the ground stated in the appeal memo.

5. Today matter was for admission hearing, Ld. Adv. Ms. K.S.Pathak for the appellant, Ld. Adv. Mr. D.V. Trivedi for the Respondent remained present before this commission. Perused the record of the case and order of the Learned District Commission.

6. Arguments of the Appellant:

Ld. Adv. for the appellant argued out before us that ld. District Commission has committed error by partly allowing the complaint.

6.1 Ld. Adv. for the appellant argued out that complainant has not produced Covid Positive Report from authentic laboratory further he has not presented ICMR, SRF Form etc, after reminder and also the necessary documents were not provided to the insurance company.

6.2 Ld. Adv. for the appellant further argued out and concluded that the order of the Learned District Commission is not just and proper and therefore it should be set aside by allowing this appeal.

7. Arguments of the Respondent:

7.1 Ld. Adv. for the respondent submitted that the complainant has submitted all the necessary documents i.e. OPD case papers, necessary reports, Certificate from Urban Health Centre etc, even after that the claim of the complainant was not passed, here in the case Ld. District Commission has considered all these aspect and passed the order which is according to law.

7.2 Ld. Adv. for the respondent argued out that the order of the District Commission is just and fair and not required to be interfered with.

8. Merit of the Case

8.1 We have gone through the judgement of the District Commission and the documents and evidence produced on record and the rival submissions.

8.2 We have gone through the record of this matter as per the record we are of the opinion that complainant has taken treatment for the Covid-19 and all the necessary documents which are required was produced before the insurance company. It is an averment of the Ld. Adv. for the

appellant Insurance Company that the complainant has not produced the authentic laboratory report. However as per certificate dtd. 26.11.2020 of Health Officer Government of Gujarat, complainant was Covid patient and he has taken treatment for Covid further laboratory reports, case papers of Shreeji Hospital, OPD case papers of Urban Health Centre and laboratory report of Government Medical Collage Bhavnagar clearly establishes that complainant was covid patient and he has taken treatment for covid and therefore, in the opinion of this commission, the reason of appellant Insurance Company to repudiate the claim on the ground that authentic laboratory report not produced is not just and proper.

8.3 As per the terms and condition of policy authentic laboratory report is required to produce but when the report was not produced by the complainant then in the considered opinion of this Commission if Rs. 1,50,000/- is awarded to the complainant instead of Rs. 2,00,000/- with 7% then it would meet the end of justice.

9. In view of the above discussion in the considered opinion of this commission order of the Learned District Commission is not just and proper and it is required to be interfered with and therefore following final order is passed.

ORDER

1. The present Appeal no. 381/2023 is admitted and is partly allowed at admission stage.

2. Order of the Ld. District Commission Bhavnagar in Complaint No.61 of 2021 dtd.02.03.2023 at serial no.2 modified as under.

“Opponents are directed and ordered to pay the amount of Rs. 1,50,000/- (Rupees one lakh fifty thousand) with 7% interest to the Complainant from the date of filing the complaint”.

Rest of the order of Ld. District Commission is confirmed.

3. Opp. Insurance Company shall comply with this order within 60 days from the date of this order.
4. No order as to cost.
5. Registry is directed to verify the amount deposited by the appellant in appeal no.381/2023 and if found deposited, refund the same as per the regular procedure with interest, if any, accrued on the deposit to the appellant by RTGS after following due procedure and verification. For this purpose the appellant has to file an application with details of Bank Account Number, IFSC code, etc to the account branch of this commission.
6. Registry is directed to send certified copy of this judgment to the parties, and send a copy this judgment to the Ld. District Commission, Bhavnagar through E-mail in PDF format for taking necessary action.

Pronounced in the open Court today 4th August 2023.

[Dr. J. G. Mecwan]
Member

[Mr. M. J. Mehta]
President (Acting)