

**STATE CONSUMER DISPUTE REDRESSAL COMMISSION
BIHAR, PATNA**

Appeal No. 222 of 2017

Reliance Nippon Life Insurance Compnay Limited, H, Block, 1st
Floor, Dhirubhai Ambani Knowledge City, Navi Mumbai 400710,
Through Authorized Signatory Mr. Rajesh Kumar, At present posted
at Ex.T.M

..... **Opposite party/Appellant**
Versus

Gharohari Devi, W/o- Bijli Ram, Saakin-Saipur Dulma, P.S.-
Madhuban, East Champaran Bihar.

..... **Complainant/Respondent**

For the Appellant : Sri Anil Kumar, Advocate
For Respondent : Mr. Pramod Kumar Malick, Advocate
Before,

Hon'ble Mr. Justice Sanjay Kumar, President
Mr. Ram Prawesh Das, Member
Md. Shamim Akhtar, Member

Order

Per: Hon'ble Mr. Justice Sanjay Kumar, President
Dated 30.11.2023

Present appeal has been filed on behalf of the
Appellant/Opposite party Reliance Nippon Life Insurance Company
for setting aside the order dated 22.06.2017 passed by learned District
Consumer Forum, Motihari, East Champaran in Complaint Case No.
43/2014 whereby and where under appellant has been directed to pay

Rs. 1,00,000/- towards the sum assured amount with interest @ 9 % p.a from 12.10.2012 and further directed to pay Rs. 5,000/- towards cost of litigation.

Briefly stated the facts of the case is that husband of complainant had purchased an Insurance Policy on 20.08.2012 from the opposite party insurance company stating his age as 47 years. The policy bond was issued after due verification by life advisor the corporate agent of insurance company. The wife (complainant) was made nominee.

Husband of the complainant died on 12.10.2012 and after his death complainant submitted her insurance claim in the branch office of the insurance company along with all required documents but inspite of repeated request the insurance claim was not settled nor any satisfactory reasons was given by the insurance company for non-settlement of her insurance claim as such complainant send a legal notice on 24.01.2014 but did not receive any reply thereafter she filed consumer complaint case before the District Consumer Forum for payment of sum assured amount of Rs. 1,00,000/- with interest as well as compensation for physical and mental harassment and cost of litigation upon which notices were issued to the opposite parties and they appeared and filed written statement.

Opposite party insurance company in written statement stated that the policy holder at the time of submitting proposal form has wrongly declared his age and in support of their submission they have enclosed a copy of voter list and also a certificate issued by member Panchayat Samiti in which age of deceased policy holder was shown as 78 years.

Complainant also filed certain document in which age of deceased policy holder on 12.10.2012 was shown as 47 years which

included policy verification certificate, certificate granted by Mukhiya of Gram Panchayat and death certificate issued by Dr. Raj Kumar of Nikky Raj Clinic Hospital, East Champaran .

The District Consumer Forum after hearing the parties and considering the evidences available on record held that in the verification certificate conducted by opposite party insurance company itself states the age of deceased policy holder to be 47 years which has also been certified by the doctor who has treated the deceased policy holder and accordingly found deficiency in service of opposite party insurance company and directed to pay sum of Rs. 1,00,000/- with interest @ 9% p.a from 12.10.2012 as well as Rs. 5,000/- as cost of litigation aggrieved by which present appeal has been filed on behalf of insurance company.

Heard counsel for the appellant as well as counsel for the respondent and considered their submissions. Perused the order as impugned in this appeal as well as materials available on record.

The claim of complainant was rejected by the insurance company by letter of repudiation dated 1209.2013 in which reasons for repudiation is grossly understated age of policy holder which upon investigation conducted by insurance company was found to be 78 years where as in the proposal form the age has been stated to be 47 years.

The proposal form has been enclosed with this memo of appeal in which in proof of Age voter card was submitted which was not the accepted document as such extra premium was paid by policy holder due to non standard age proof.

The last two columns of the proposal form was filled by the life

advisor of insurance company and life advisor/employee certification reads as follows:-

Confidential Report

1. *Have you met the life to be assured/proposer* Yes
2. *Is the life to be assured/proposer presently in good health without any mental or physical disability?* Yes
3. *Are you (Advisor/SM) related to life to be assured.* No
4. *Are you personally satisfied with the financial eligibility for the insurance cover and is the income proof and age proof verified by you* Yes
5. *What is the type of income proof verified?* Income Tax Return/ form 16/ Pay slip/ Balance Sheet/P&L Others
6. *How long have you known the Life to be Assured ?* (6) Months

Life Advisor/employee Certification

Certify that I have personally checked the identity of the Life to be Assured and attached his photograph.

Certify that the client has understood the proposal form completely and the facts disclosed therein are true and correct to the best of my knowledge and belief, I have also verified the completeness of documentation.

Further declare that to the best of my knowledge the premium amounts are not sourced from the proceeds of any criminal activities/offences listed in the prevention of Money Laundering Act 2002 or under any other applicable laws.

Should there be any change in my opinion of the integrity or repudiation of the applicant I shall inform reliance Life Insurance company limited immediately.

Signed

Life Advisor

The Insurance Claim has been repudiated on the ground that insurance policy was fraudulently obtained by understating the age. Fraud has to be proved by the party who alleged fraud. Onus to prove wrong statement with respect to age of policy holder is upon the insurance company in which it has measurably failed. Age of a person cannot be concealed by him as age can be assessed on looking the face and physique of a person. Proposal form was filled by the life advisor of the insurance company in presence of policy holder who also put his LTI on the proposal form in presence of life advisor of insurance company and voter card was submitted by the policy holder with respect to his age and same has been certified by the life advisor of the insurance company to have been verified as such it cannot be said that any fraud was played by the deceased policy holder in obtaining the life insurance policy.

According to appellant insurance company the upper age limit for obtaining present insurance policy is 63 years as such had there been any fraudulent intention of complainant he would have disclosed his age as 63 years and not 47 years.

There is no merit in this appeal and is accordingly dismissed.

A copy of this order be supplied to both the parties free of cost as mandated by the Consumer Protection Act.

Office is directed to upload this order on the website of the Commission.

Let the file be consigned in the record room along with copy of this order.