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(2012) 05 NCDRC CK 0081

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

Malkiat Kaur W/o Faqir Singh		APPELLANT
	Vs	
LIC of India, Divisional Office, Model Town Road		RESPONDENT

Date of Decision: May 23, 2012

Citation: 2012 0 NCDRC 177 : 2012 2 CPR 604 : 2012 3 CPJ 224

Hon'ble Judges: J.M.Malik , Suresh Chandra J.

Advocate: D.K.Sharma

Judgement

1. THESE two revision petitions will be decided by the same judgment as both of them entail the same question of fact and law. The deceased is the son and husband respectively of both the Revisionists/Complainants. The case of both the petitioners is that Sanjeev Kumar alias Jasvir Singh, since deceased, is known by both the names, Sanjeev Singh alias Jasbir Singh obtained the Insurance Policy from LIC of India, Respondent No.1, for a sum of Rs. 3 lacs on 28.03.2006. At the time of Insurance, he had undergone medical examination and other tests. Unfortunately, Jasvir Singh died of sudden Cardiac arrest on 5.6.2006 at the age of 37 years. The petitioner Smt. Malkiat Kaur, who is the mother of the deceased life assured, is nominee U/s 45 of the Insurance Act. She applied for the claim under LIC for payment of sum assured with accrued bonus but the same was repudiated by the respondent LIC illegally, arbitrarily and wrongly on the false ground of alleged concealment material information of the status of nationality, identity and his occupation as agriculturist.

2. THE case of Gurpreet Kaur W/o Jasvir Singh in Revision Petition No. 736 of 2012 is this. Her husband Jasbir Singh had taken policy for a sum of Rs. 5 lacs on 13.05.2006. He was hale and hearty at the time of insurance. THE petitioner being his wife and nominee in the policy applied for death claim, which was repudiated arbitrarily by LIC.

The LIC has contested these cases tooth and nail.

Both the Fora below have dismissed the claim of both the complainants. Consequently the above said revision petitions were filed.

3. WE have heard the counsel for the petitioners. The counsel for the petitioner vehemently argued that Sanjeev Singh Shergill and Jasvir Singh Shergill are the same person and this fact actually happens when the matter involves one s passport. He contended that before the passport authorities when the passport is lost people give the second name for getting the second passport. However, these facts are not relevant because there is no such evidence in this respect. He lastly argued that deceased was hale and hearty and the nominees are entitled to their claims respectively.

A bare perusal of evidence on record clearly shows that Sanjeev Singh Shergill alias Jasvir Singh played a fraud with the LIC on two occasions. He gave different version and suppressed the material facts. In the case of Malkiat Kaur regarding policy dated 26.03.2006, he mentioned his name as Sanjeev Singh Shergill S/o Faqir Singh Shergill. He gave his residential address as Sanjeev Singh Shergill alias Jasvir Singh Shergill. He mentioned that he had nil previous policies. Most importantly, he gave his date of birth as 25.04.1969.

4. IN contrast to that in his other policy dated 13.05.2006, he mentioned the following particulars:-, his name as Jasvir Singh, the date of birth as 05.02.1985 and the details of existing policies including the LIC Jeevan Plus Plan including the policy rendered/lapsed during the last three years, the Nil information was given. IN the second policy there is no whisper, word or syllable regarding the fact that his name was Sanjeev Singh or he was known as Sanjeev Singh alias Jasvir Singh Shergill or he had already a policy, the nominee of which was his mother.

The judgment of the State Commission goes to reveal that both the petitioners were directed to produce the educational record of Sanjeev Singh Shergill alias Jasvir Singh Shergill where both the names were written for one and the same person but no such record was produced. Moreover, any public document showing that the assured had two names did not see the light of the day. Again, this is the concealment which tantamounts to fraud when he stated before the LIC that he had not taken any other Insurance Policy at any time earlier. The fact why did he give two different dates of birth is shrouded in mystery. His story was outlandish mish mash of half truths and half falsehoods.

We see no merit in both the revision petitions. Both the revision petitions are dismissed in limine.