NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

NEW DELHI

REVISION PETITION NO. NC/RP/1329/2022

(Against the Order dated 8th July 2022 in Appeal No. 565/2018 of the State Consumer Disputes Redressal Commission Andhra pradesh)

WITH

NC/IA/9633/2022 (EXEMPTION OF FILE TYPED COPIES OF DOCUMENTS)

NC/IA/10072/2022 (STAY)

NC/IA/9632/2022 (STAY)

LIFE INSURANCE CORPORATION OF INDIA
PRESENT ADDRESS - NORTHERN ZONAL OFFICE JEEWAN BHARTI, CONNAUGHT PLACE, NEW DELHI 110001 , NEW DELHI , DELHI ,

.....Petitioner(s)

Versus

SMT DARAPU VENKATA LAKSHMI
PRESENT ADDRESS - D.NO.12 - 20/1B.C. COLONY, PENDURTHY,VISAKHAPATNAMANDHRA PRADESH , VISAKHAPATANAM , ANDHRA PRADESH , VISAKHAPATANAM,ANDHRA PRADESH.

.....Respondent(s)

REVISION PETITION NO. NC/RP/1330/2022

(Against the Order dated 8th July 2022 in Appeal No. 643/2018 of the State Consumer Disputes Redressal Commission Andhra pradesh)

WITH

NC/IA/9635/2022 (EXEMPTION OF FILE TYPED COPIES OF DOCUMENTS)

NC/IA/9634/2022 (STAY)

NC/IA/10073/2022 (STAY)

LIFE INSURANCE CORPORATION OF INDIA
PRESENT ADDRESS - NORTHERN ZONAL OFFICE JEEWAN BHARTI, CONNAUGHT PLACE, NEW DELHI 110001 , NEW DELHI , DELHI ,

.....Petitioner(s)

Versus

SMT DARAPU VENKATA LAKSHMI
PRESENT ADDRESS - D.NO.12 - 20/1B.C. COLONY, PENDURTHY,VISAKHAPATNAMANDHRA PRADESH 531173 , VISAKHAPATANAM , ANDHRA PRADESH , VISAKHAPATANAM,ANDHRA PRADESH.

.....Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE A. P. SAHI , PRESIDENT

HON'BLE MR. BHARATKUMAR PANDYA , MEMBER

FOR THE PETITIONER:

MR. RAJESH MAHINDRU, ADVOCATE

FOR THE RESPONDENT:

MR. SADINENI RAVI KUMAR, ADVOCATE

DATED: 27/07/2026

ORDER

1. These two revision petitions question the correctness of the impugned orders dated 08.07.2022, where by the two appeals (FA/565/2018 and FA/643/2018), in respect of two policies obtained on 24.03.2014 and 05.01.2015, have been allowed by the SCDRC, and the orders of the DCDRC, Visakhapatnam, dismissing the complaints, dated 24.01.2015 passed in CC/218/2017 and CC/220/2017, have been set aside.

2. The dispute arises out of a death claim of life insurance policies, where the complainant's husband had been assured. He died on 15.02.2016 and the claims in respect of both the policies were repudiated on 18.11.2016 on the ground that the assured had suppressed material facts in respect of his past ailments that had a bearing while granting the risk that were proved on the basis of the documents on record. The complainant filed the complaints alleging that the documents on the basis whereof such repudiation was made were all relating to treatments that related to after the filling up of the proposal forms and obtaining the policies on 24.03.2014 and 05.01.2015. It was also stated that the assured life had never availed of any sick leave and consequently the complaints deserved to be allowed.

3. The Life Insurance Corporation filed its response and along with its reply filed photostat copies of the medical book record of the assured, who was an employee at Visakhapatnam Steel Plant. It was urged that the Steel Plant provided in house medical facilities and it is for the said purpose that the employees had a medical book that were maintained for recording of availing the all medical facilities. A copy of the

same has been filed along with this petition as annexure P-3.

4. The defence taken by the Insurance Company was that the assured was suffering from alcohol related diseases since 2010 and was also suffering from hepatitis and cirrhosis which stands recorded in the said medical book from 08.07.2010 till 03.10.2013. Mr. Mahindru, learned counsel for the petitioner has read out the endorsements made in the medical book on 13.07.2010, 20.05.2012, 11.06.2012 and 03.10.2013. He submits that all these documents were brought on record and were supported by the affidavit of the concerned official before the District Commission.

5. It is urged that believing the said documents, the District Commission rightly came to the conclusion that the assured had been suffering from pre-existing diseases as referred to above that was materially suppressed in the proposal forms and was not intimated to the Life Insurance Corporation, consequently, this was a good ground to repudiate the claim and these documents were also supplied to the complainant even along with the repudiation letter. He therefore submits that these documents were available to the complainant, yet no objections in respect of the contents of these documents was ever raised.

6. He submits that neither the complaint, nor the evidence affidavits that have been filed by the complainant before the District Commission does in any way question the correctness of these documents.

7. Mr. Mahindru, learned counsel for the petitioner has therefore urged that the order of the District Commission was perfectly justified, but the State Commission while deciding the appeal has went on to set aside the orders of the District Commission without referring to the complete docket of the medical book and in fact has ignored the same. Thus, the findings are perverse as they have been recorded without even

referring to the relevant evidence that were made the basis for dismissing the complaints by the District Commission. Mr. Mahindru has read out the paragraph 8 of the impugned order to urge that not only the documents prior to 05.02.2014, the documents even thereafter were relevant as there were two policies one of them which was taken on 05.01.2015. He therefore submits that the impugned order of the State Commission does not stand the scrutiny of the records and is otherwise legally untenable.

8. Responding to the submissions, learned counsel for the respondent, Mr. Sadineni states that the petitioner has no locus to maintain the revision petitions, in as much as, it has not been filed by any of the parties, who had been arrayed before the District Commission, nor is there any permission to the petitioner to question the correctness of the impugned orders.

9. He then submits that the assured had been taking the policy from the Life Insurance Corporation since 1990 and therefore the allegations about any suppression of fact is unfounded.

10. He then urges that the Steel Authority has given an information to the LIC that the assured had never applied for any sick leave during March, 2012. This answer was given on a query being raised by the Life Insurance Corporation itself and therefore this was sufficient proof to demonstrate that the assured was not suffering from any ailment.

11. He has then vehemently urged that all the documents relied on by the LIC were photostat copies and were manufactured documents. The Life Insurance Corporation had failed to prove its case and on account of failure to discharge the burden the complaints filed by the respondent was rightly allowed by the State Commission. He

has relied on several decisions to urge that the burden lay on the Life Insurance Corporation to prove its case, but having failed to do so, no grievance can be raised.

12. He has urged that neither the affidavit of the person maintaining the medical record, nor any affidavit of any doctor has been filed to support the contentions and the contents of the medical record book. He submits that the same was therefore not admissible in evidence and consequently the State Commission has not committed any error in allowing the appeal and setting aside the order of the District Commission.

13. We have considered the submissions raised as also the documents on record. We have also perused the impugned order which records findings in paragraph 8 while reversing the orders of the District Commission.

14. At the outset, we may point out that the petitions have been filed by the Life Insurance Corporation itself and the life insurance policy is a contract between the Life Insurance Corporation and the assured. It is the Corporation which had filed the petitions through its authorized officer and therefore this technical objection that the parties arrayed before the District Commission have not filed the present petitions cannot be sustained. Apart from this the Corporation has authorized the filing of the present petitions and even otherwise a perusal of the array of parties before the District Commission indicates that it was the complainant who had erroneously arrayed the officials of LIC as the opposite parties instead of the Life Insurance Corporation. In view of this fact also it is the complaint which was not technically framed in an appropriate manner. Consequently, the arguments raised by the learned counsel on behalf of the complainant being hypertechnical is rejected.

15. On the issue of the status of the evidence on record we agree with the contentions

raised by the Mr. Mahindru that an evidence affidavit was filed by the complainant, which is on record. The said evidence affidavit nowhere questions the correctness of the records or contents of the medical book. To the contrary the nature of the ailment was being contested therein. We have not been able to gather any allegation about the documents filed by the LIC to be manufactured or fake. In such circumstances the argument of the learned counsel for the respondent does not hold water. The Insurance Company has discharged its burden as per the legal position explained by the Apex Court in the case of *Mahakali Suiatha Vs. Future Generali India Life Insurance Co. Ltd, 2024 SCC Online SC 525* .

16. It is the complainant who has failed to discharge the onus of rebutting the said documents in any manner whatsoever. It is therefore established that the assured had been suffering from pre-existing diseases since 2010 up to the time he had filled up the proposal forms in 2014. The State Commission has manifestly erred by presuming that no such document had been filed or is available. The reversal of the orders of the District Commission is therefore perverse, as the District Commission had recorded the entire evidence pertaining to the pre-existing diseases of the complainant that stood established, and is evident from a bare perusal of the medical record book that has been read out in detail before us.

17. The impugned orders of the State Commission therefore cannot be sustained, the petitions deserve to be allowed and we accordingly allow the revision petitions and set aside the orders of the State Commission dated 08.07.2022 and restore the orders of the District Commission. The complaints stand accordingly dismissed.

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A. P. SAHI
PRESIDENT

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BHARATKUMAR PANDYA
MEMBER

BRAHM PAL/Court-1/D