

WP(C) 4843/2014

BEFORE

HON'BLE MR. JUSTICE HRISHIKESH ROY

The petitioner is the widow of late Abdul Matin, who was insured with the Karimganj Branch of the LIC, through the Policy No.491387130. When the insured died on 10.06.2005 the resultant claim was repudiated on the ground that a pacemaker was installed on the insured and this was not disclosed when he was insured. But following the direction given by the Insurance Ombudsman on 31.03.2008 (Annexure-VIII) the petitioner took her claim to the Permanent Lok Adalat at Karimganj and the PLA Case No.2/2010 was then registered. But through the impugned award dated 26.03.2014 (Annexure-X), the deceased was found to have withheld relevant information on his health conditions and accordingly instead of granting the insurance claim, refund of the paid up premium was ordered, by the Permanent Lok Adalat.

Mr. S. Banik, learned counsel submits that the pacemaker in the body of the insured person should have been detected by the insurance doctors at the time of insurance and also when the policy was revived and therefore the insurance claim should not have been repudiated by the LIC. He refers to the decision of Apex Court in Bar Council of India Vs. Union of India reported in (2012)8 SCC 243, to project that grievances against the award of the Permanent Lok Adalat can be examined by the High Court under Article 226/227 of the Constitution of India and accordingly the learned counsel submits that the decision of the Permanent Lok Adalat should be reconsidered.

In view of above, let notice returnable in 6(six) weeks be issued. The petitioner to ensure service on all the 5 respondents by registered post.