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C.A.No. 5347 OF 1998

ITEM No.111

Court No. 9

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 5347 of 1998

LIFE INSURANCE CORPN. OF INDIA, RAIPUR Appellant (s)

VERSUS

HARIBANDHU SAHU Respondent (s)

Date : 29/01/2004 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s) Mr. A.V. Rangam, Adv.  
Mr. Buddy A. Ranganadhan, Adv.  
Mr. A. Ranganadhan, Adv.

For Respondent (s) Ex-parte

UPON hearing counsel the Court made the following  
O R D E R

Heard the learned counsel for the appellant for a while.

The civil appeal is dismissed.

No costs.

[ T.I. Rajput ][ Shelly Sengupta ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5347 OF 1998

Life Insurance Corpn. of India, Raipur ...Appellant(s)

Versus

O R D E R

The appellant-Insurance Company repudiated the policy of Kamla Bai Sahu, wife of the respondent, on the ground that there was material suppression of fact of her suffering from leucorrhoea. The District Consumer Disputes Redressal Forum [for short, 'the District Forum'], on the basis of the evidence placed before it, found against the appellant holding that there was no material suppression of fact, as sought to be made by the Insurance Company. The State Consumer Disputes Redressal Commission [for short, 'the State Commission'] again, having re-considered the material placed on record, affirmed the findings of fact recorded by the District Forum noticing that the appellant's own doctor's evidence did not support the case of the appellant and further the other evidence placed on record also did not establish the case of the appellant. In that

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view of the matter, the State Commission dismissed the appeal. The revision petition filed by the appellant before the National Consumer Disputes Redressal Commission [for short, 'the National Commission'] was also dismissed holding that no illegality or jurisdictional error was found in the order passed by the State Commission.

In this appeal, before us, against the order of the National Commission, the learned counsel for the appellant contended that the findings recorded, as to the suffering of Kamla Bai Sahu, that the said fact was not suppressed is untenable. We are not in a position to take a different view on the facts found and established in this case. The findings of fact recorded are based on evidence and cannot be disturbed. This being the position, we decline to interfere with the impugned order, having regard to the facts and circumstances of the case. Hence, the civil appeal is dismissed.

No costs.

.....J.  
[SHIVARAJ V. PATIL]

.....J.  
[D.M. DHARMADHIKARI]  
New Delhi,  
January 29, 2004.