**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION**

**AT MAHABUBNAGAR**

**CONSUMER COMPLAINT NO. \_\_\_\_\_\_of 2023**

**IN THE MATTER OF:**

Smt. Katta Amrutha

W/o Late Shekhar Reddy,

Aged 40 years,

Occupation: Housewife,

Resident of MIG-21, Housing Board Colony,

Mahabubnagar, Mahabubnagar District - 509001.

...Complainant

Versus

The Cholamandalam MS General Insurance Company Limited,

Represented by its Branch Manager,

#1-2-73/2 & 1-2-63 to 64,

No.302, 3rd Floor, SR Arcade, Parklane,

Above Bank of Baroda, Secunderabad, Hyderabad - 500 001.

...Opposite Party

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019

MOST RESPECTFULLY SHOWETH:

1. The address of the Complainant for the purpose of service of summons, notice, etc is as shown in the cause title above and that of his counsel
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. Herein the above-named Complainant most respectfully submits as under,
4. That the Complainant's deceased husband, Late Shri Katta Shekhar Reddy had obtained an insurance policy bearing no. 3397/00127036/000/00 from the Opposite Party company for his two-wheeler vehicle bearing registration no. TS 31 C 8829.
5. It is submitted that the said policy was valid from 06.06.2019 to 05.06.2024 and provided Personal Accident Cover of Rs. 15,00,000 in case of death of the insured.
6. It is submitted that on 10.05.2020, the Complainant's husband met with an accident while riding his insured two-wheeler, which resulted in his death.
7. It is submitted that the complainant being the wife of the deceased insured and his legal heir, approached the Opposite Party insurance company on 05.06.2020 to claim the Personal Accident Cover amount of Rs. 15,00,000 as per policy terms.
8. It is submitted that the Opposite Party however denied the Complainant's claim on the false pretext that the death of the insured was not accidental but due to heart attack.
9. It is submitted that the police inquest report clearly shows that the death was due to accidental injuries sustained by the deceased insured. There is no truth in the Opposite Party's contention.
10. It is submitted that despite providing all documents, the Opposite Party has arbitrarily repudiated the valid claim of the Complainant dated 05.06.2020 which amounts to gross deficiency in service on their part.
11. It is submitted that due to the such obscure conduct of the opposite party, the complainant issued legal notice to opposite party on 12-10-2020, and asked the opposite party to settle the Personal Accident Cover amount of Rs.15,00,000/- along with applicable interest immediately,
12. It is submitted that due to the illegal denial of insurance claim by the Opposite Party, the Complainant has suffered immense harassment, mental trauma and financial hardship.
13. That the complainant has incurred expenses of Rs. 10000 so far in pursuing this consumer complaint.

**CAUSE OF ACTION:** That the cause of action arose on 05.06.2020 when despite providing all claim documents, the Opposite Party arbitrarily repudiated the valid claim on 05.06.2020 on false grounds, causing immense harassment and financial loss. The cause of action further arose when the legal notice was served on the opposite party on 12-10-2020. The Complainant's many requests to settle the legitimate claim have been wilfully neglected by the Opposite Party, forcing her to approach this Commission for relief. Thus, the cause of action arose on 05.06.2020 and continues due to the Opposite Party's illegal denial of the rightful insurance claim.

**JURISDICTION:** The consideration amount is less than 50 Lakhs and resides within the jurisdiction of this Hon'ble Court, also the opponent party’s business is situated within the jurisdiction of this Hon'ble Court. Hence this Hon'ble Court has got jurisdiction to try and entertain this complaint.

**COURT FEE**: That the Complainant is complying with the Court Fees Mandated under Rule 7 of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.

**EVIDENCE:**

Based on the facts of the case, the following is a list of evidence/documents that needs to be submitted to support the consumer complaint:

1. Copy of insurance policy document showing Personal Accident Cover of Rs.15,00,000.
2. Copy of RC book and driving license establishing ownership and identity of deceased insured.
3. Proof of relation between Complainant and deceased insured (marriage certificate).
4. Death certificate of deceased insured.
5. Police inquest report/FIR showing death due to accident.
6. Post-mortem report of insured.
7. Copy of claim intimation letter sent by Complainant to insurance company.
8. Claim rejection letter or communication received from insurance company repudiating the claim.

**PRAYER**:

In view of the facts stated above, the Complainant prays that the Hon'ble Commission may be pleased to:

a) Direct the Opposite Party to pay the Personal Accident Cover amount of Rs. 15,00,000 wrongly denied by them along with interest at 18% p.a. from the date of repudiation till payment.

b) Award compensation of Rs.15,000 for mental harassment and agony suffered by the Complainant due to Opposite Party's deficient services.

c) Award litigation costs of Rs. 10,000/- incurred by the Complainant in pursuing this complaint.

d) Pass any other just and equitable order as deemed appropriate in the interest of justice.

Place: Mahabubnagar (Signature)

Date: Complainant

Verification

Herein I, Smt. Katta Amrutha, W/o Late Shekhar Reddy, Aged 40 years, Occupation: Housewife, Resident of MIG-21, Housing Board Colony, Mahabubnagar, Mahabubnagar District - 509001 do hereby state on solemn affirmation that the contents of the above paragraphs are read over and explained to me in my vernacular and the same are found to be true and correct to the best of my knowledge, belief and information.

MAHABUBNAGAR Complainant

/0 /2024