BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, THANE

IN RE: COMPLAINT No. \_\_\_\_\_\_\_\_of 2021

IN THE MATTER OF:

Mrs. Shobha R. Gharge,

Aged 48 years, Female,

Residing at B/106, Riddhi Siddhi CHS, Highway Louis Wadi, Thane – 400 604

Email: shobhagharge@email.com, Mobile No. 9876543210

................COMPLAINANT

Vs.

National Insurance Co. Ltd.,

Mumbai Division XVIII,

1st Floor, Jai Motor Compound,

Opp. Cadbury Highway, First Pokhran Road,

Thane 400 601

.............OPPOSITE PARTY

COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019

RESPECTFULLY SHOWETH:

INTRODUCTION:

1. The complainant Mrs. Shobha R. Gharge, aged 48 years, residing at B/106, Riddhi Siddhi CHS, Highway Louis Wadi, Thane – 400 604 is filing this consumer complaint.
2. The opposite party National Insurance Co. Ltd., Mumbai Division XVIII having its office at 1st Floor, Jai Motor Compound, Opp. Cadbury Highway, First Pokhran Road, Thane 400 601 is engaged in the business of providing mediclaim insurance policies.

TRANSACTION:

1. The complainant had taken a mediclaim policy bearing no. 240800501510000197 from the opposite party valid from 01/12/2019 to 30/11/2020 with sum assured amount of Rs. 50,000 along with Cumulative Bonus. The complainant paid an annual premium of Rs. 5,469 to the opposite party for the said policy.
2. On 23/07/2020, the complainant was hospitalized at a hospital in Satara District for treatment of heavy fever. The total hospitalization expenses incurred were Rs. 15,666.
3. The complainant submitted the claim for reimbursement of the hospital expenses along with required documents and hospital certificates to the opposite party. However, the opposite party repudiated the claim on 28/10/2020, citing exclusion clause no. 5.11 related to fraudulent claims.
4. The complainant thereafter obtained a clarification letter dated 20/11/2020 from the treating doctor regarding mistakes in the claim documents and submitted the same to the opposite party. However, the opposite party failed to reconsider the claim and rejected it.
5. Copies of the policy, hospital bills and correspondence with the opposite party are attached herewith as Annexures A, B and C.

NATURE OF COMPLAINT:

1. The opposite party has committed deficiency in service by wrongly repudiating the complainant's valid claim under her mediclaim policy on false grounds. Despite providing clarification for alleged discrepancies in the claim documents, the opposite party failed to settle the claim as per the mediclaim policy terms and conditions.
2. The repudiation of the claim by citing false reasons amounts to deficiency in service and unfair trade practice on the part of the opposite party insurance company.

RECTIFICATION:

1. The complainant had approached the opposite party and requested to reconsider her claim after providing the clarification letter from the treating doctor. However, the opposite party failed to respond positively.
2. The complainant thereafter sent a legal notice dated \_\_\_\_ to the opposite party for settlement of her claim, but did not receive any response in the matter.

CAUSE OF ACTION:

1. The cause of action arose on 28/10/2020 when the opposite party repudiated the complainant's claim. The cause of action further arose when the opposite party failed to settle the claim despite the clarification letter and legal notice by the complainant.
2. The present complaint is being filed within the period prescribed under Section 69 of the Consumer Protection Act, 2019.

TERRITORIAL JURISDICTION:

The complainant and respondent reside within the jurisdiction of this Hon'ble Commission. Hence, this Hon'ble Commission has jurisdiction to try and entertain this complaint.

PECUNIARY JURISDICTION:

As the amount of consideration is below Rs 50 lakhs, this hon'ble commission has jurisdiction to entertain this complaint..

COURT FEES:

The requisite court fee has been calculated and affixed as per the Schedule of the Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020.

PRAYER:

In light of the facts mentioned above, the complainant prays for the following reliefs:

Direct the opposite party to settle the complainant's mediclaim policy claim amounting to Rs. 15,666 along with interest @ 10% p.a. from date of repudiation i.e. 28/10/2020.

Direct the opposite party to pay compensation for harassment, mental agony and costs incurred by the complainant.

Pass any other order as deemed fit and appropriate for securing justice to the complainant.

PLACE: Thane

DATED:

(Mrs. Shobha R. Gharge)

Complainant

VERIFICATION AND SIGNATURE:

I, Mrs. Shobha R. Gharge, hereby declare that the facts stated above are true and correct to the best of my knowledge. Nothing material has been concealed.