**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION**

**AT AHMEDABAD CITY**

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

**IN THE MATTER OF:**

From,

Kamleshkumar Jayantilal Modi,

Age: 52 years.

Occupation: Bank Manager.

2947, Chaturi no Madh,

Nr. Maru ni Sheri, Bazar,

Ta. Mansa, Dist. Gandhinagar.

Complainant

Versus

National Insurance Co. Ltd.

Ahmedabad Division III,

Srimali Society, Neptune House II,

Nr. Mithakhali Road,

Navrangpura,

Ahmedabad – 380009.

Opponent

COMPLAINT UNDER SECTION 35 of CONSUMER PROTECTION ACT

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 is a bank manger residing at the address mentioned above and the Opposite Parties' addresses are correctly shown above within the jurisdiction of this Hon'ble Commission.
5. The complainant is a consumer of the services of the opposite party as he has taken up a mediclaim policy of the opponent under policy no. 300900501710006266 for the period from 21/12/2017 to 20/12/2018.
6. That the Complainant’s daughter faced an accident within the validity of the policy and the complainant had incurred Rs. 56500 for her medical expenses.
7. That the need for the medical treatment of the complainant’s daughter was legitimate and as prescribed by the doctor.
8. That the complainant explained the issue to the opponent and made a mediclaim for the reimbursement of the expenses incurred for the treatment of his daughter.
9. That the complainant provided the opponent with all the requisite documents including treatment bills, payment receipts, and the doctor’s prescription.
10. That the complainant has paid the premium of Rs. 5000 every month without fail to the opponent without fail.
11. That the opponent company repudiated the complainant’s mediclaim on 21.12.2018 without providing justifiable grounds.
12. That the complainant, thereafter, sent a legal notice to the opponent to rectify the issue but received no response from the opponent.
13. That the actions of the opponents show a clear deficiency in service due to which the Complainant has suffered immense mental agony, inconvenience, and financial loss.
14. Left with no other recourse, the complainant has approached this Commission seeking justice.
15. It is submitted that the present complianant is filed within the limitation period of 2 years from the cause of action that arose as prescribed under section 69 of the Consumer Protection Act 2019.

**CAUSE OF ACTION**: The cause of action arose on 21.12.2018 when the opponent repudiated the legitimate mediclaim of the complaint for Rs. 56500 under the policy numner 300900501710006266 without providing justifiable cause.

**JURISDICTION**: The expenses incurred by the complainant for the treatment of his daughter is less than Rs. 50 lakhs and the opponent resides within the territorial limits of this Hon’ble Commission. Hence this Hon’ble Commission has 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.

**EVIDENCES**:

Ex.A-1: Photocopy of Doctor’s prescription for the medical treatment of complainant’s daughter.

Ex.A-2: Photocopy of treatment bills issued by the Dev Dental Clinic.

Ex.A-3: Photocopy of payment receipts for the treatment expenses.

Ex.A-4: Photocopy of the receipt of bank transfer from the complainant's account to the Dev Dental clinic.

Ex.A-5: Photocopy of Receipt of premium paid to the opponent every month.

**PRAYER**:

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

a) Direct the Opposite Parties to resolve the issue and grant the legitimate mediclaim of the complainant of 56500

b) Award compensation for mental agony and financial loss suffered by the Complainant as the court deems fit.

c)Pass any other order as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.

Place: Ahmedabad City (Signature)

Date: Complainant

Verification

Herein I, Kamleshkumar Jayantilal Modi, do hereby state on the 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.

AHMEDABAD CITY Complainant

/0 /2024

DRAFTED AND PRESENTED BY

ADV. XYZ