BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION, AT MANSA

Consumer Case No. \_\_\_\_\_ of 20\_\_

BETWEEN:

Mr. Kanwal Nater Nagrath

Occupation: Retired Bank Manager

Aged 74 years,

R/o Balaji Nursing Home Ward No.13,

Water Works Road Mansa, Punjab …..Complainant

V/s

Care Health Insurance Limited

Through its Managing Director

5th Floor, 19 Chawla House Nehru Place,

New Delhi – 110019 ... Opposite Parties

**COMPLAINT UNDER SECTION 35 OF THE CONSUMER PROTECTION ACT, 2019**

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 holds Group Care (PNB) health insurance policy no. 11561922/COI from 29.09.2020 to 28.09.2021 issued by OP , premium duly paid.
5. That the Complainant was diagnosed with COVID-19 in April 2021 and hospitalized at Amar Hospital, Patiala from 13.04.2021 to 18.04.2021 incurring Rs. 89,124/-.
6. That the Complainant duly intimated O.P. and submitted claim documents in Claim No. 91676498 but the company arbitrarily rejected his genuine claim vide letter dated 10.05.2021 on false ground of non-disclosure of alleged heart ailment.
7. That the discharge summary clearly shows the diagnosis as COVID-19 positive and no heart disease. Refusal to pay is a deficiency in service, unfair trade practice, and harassment of senior citizen Complainant.
8. That the Complainant has suffered immense mental agony due to the arbitrary and unwanted rejection of his genuine claim by the O.P. on baseless grounds.
9. The Complainant issued a legal notice dated 11.06.2021 to OP calling upon them to honor his insurance claim, however, the OP refused to reply to the notice, leaving with no other option the Complainant is before this Hon’ble Commission.
10. That the Opposite Parties are jointly and severally liable for the financial loss, harassment, and mental trauma caused to the Complainant senior citizen.

IV] **Cause of Action**;

1. The Cause of Action to file this complaint first arose on 10/05/2021 when the OP repudiated the insurance claim of the Complainant and continued till 11.06.2021 when he issued a legal notice to the OP.

V. **Jurisdiction:**

1. As the consideration paid for the service availed is less than Rupees 50 lakhs, and the cause of action is in the city of Cosmos, the complaint is being filed with the Hon’ble District Consumer Disputes Redressal Commission, Cosmos.

VI. **Limitation:**

1. That the present complaint is being filed within a period of two years from the date of cause of action i.e date of the incident, as prescribed under section 69 of the Act, 2019

VII **Court Fees:**

1. In line with Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020, no court fee has been paid as the value of the impugned product is less than Rs 5 lakhs and three copies of the complaint have been submitted.

**VIII. PRAYER**

It is, therefore, most respectfully prayed that this Hon'ble Commission may be pleased to:

1. Direct O.P. No. 1 to pay the full claim amount of Rs. 89,124/- along with interest at 18% p.a. from date of repudiation till realization.
2. Direct O.P. No. 1 to pay Rs. 50,000/- as compensation for harassment, mental agony caused to the senior citizen Complainant.
3. Award litigation costs of Rs. 10,000/- to the Complainant.
4. Pass any other order deemed fit in the interest of justice, equity and good conscience.

Mansa

DATE Advocate for Complainant

**Verification**

Herein I, Kanwal Nater Nagrath, 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 is found to be true and correct to the best of my knowledge, belief, and information.

**Mansa**

**Date Complainant**