

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

NEW DELHI

FIRST APPEAL NO. NC/FA/1187/2014

(Against the Order dated 21st August 2014 in Complaint 06/2000 of the State Consumer Disputes Redressal Commission Bihar)

WITH

NC/IA/8735/2016 (CONDONATION OF DELAY)

NC/IA/16401/2018 (PLACING RECORD)

NC/IA/6476/2016 (SUBSTITUTED SERVICE)

NEW INDIA ASSURANCE CO. LTD.

PRESENT ADDRESS - DELHI REGIONAL OFFICE, 5TH FLOOR, JEEVAN BHARATI BUILDING,
, NEW DELHI-110001 , CONNAUGHT PLACE, , NEW DELHI, DELHI.

.....Appellant(s)

Versus

ASHARFI DAS

PRESENT ADDRESS - THROUGH LR RAM SWARATH DAS, VILLAGE-THALWARA, ,
DISTRICT-DARBHANGA , BIHAR , DARBHANGA, BIHAR.

.....Respondent(s)

BEFORE:

HON'BLE MR. JUSTICE A. P. SAHI , PRESIDENT

HON'BLE MR. BHARATKUMAR PANDYA , MEMBER

FOR THE APPELLANT:

MR. MAIBAM N. SINGH, ADVOCATE

FOR THE RESPONDENT:

MR. NEEL KAMAL MISHRA, ADVOCATE

DATED: 12/01/2026

ORDER

Heard Mr. Maibam Singh, learned counsel for the Appellant/Insurance Company and Mr. Mishra, learned counsel for the Respondent. The Appeal arises out of the order dated 21.08.2024 passed by the SCDRC, Bihar whereby the denial of a claim under the Janta Personal Accident Insurance Coverage by the OP has been set aside, and the complaint has been allowed directing the Insurance Company to pay the amount of Rs.5,00,000/- with 6% interest per annum, apart from Rs.20,000/- as compensation for harassment and litigation cost of Rs.5,000/-.

The claim was made by the original Complainant Mr. Asharfi Das who died during

the pendency of the Complaint and has been substituted by the Respondent Ram Swarath Das, his son.

The facts giving rise to the Complaint were that a Janta Personal Accident Insurance Policy was taken that was valid from 01.01.1998 to 31.12.2002. On 19.06.1998, the father of the original Complainant the insured Ganaur Das died in hospital due to a dog bite. This fact of his death was supported by documents from the Pasteur Institute, Shambhu Nath Pandit Hospital, Calcutta in West Bengal. The death took place on 11.07.1998. On 04.08.1998, the application was moved before the Insurance Company by late Asharfi Das for receiving the remuneration as a beneficiary. The claim was not settled as the Insurance Company declined to proceed in the absence of a post-mortem report as a result whereof CC/06/2000 was filed 26 years ago. The State Commission, after discussing all details and the objection taken by the Insurance Company, allowed the Complaint holding that the death due to dog bite was established and the claim was indemnifiable under the terms of the said policy.

It is this order dated 21.08.2014 that has been challenged in this Appeal where the Insurance Company has come up with the case that an objection had been particularly raised with regard to the identity of the beneficiary Asharfi Das on the ground that an investigator/surveyor was appointed by the Insurance Company namely one Chandra Bali Rai, who submitted his report on 24.05.1999 indicating, that since there was no satisfactory evidence with regard to the death of the deceased due to a dog bite, therefore the claim was not admissible. The investigator further went on to observe that he went to identify the name of the father of Asharfi Das and it was alleged that the name of the father of the Complainant was Fagnu Das and reliance was also placed on a Voter List of the Assembly Election of 1995. This fact has been stated in paragraph-11 of the reply of the Insurance Company alongwith the report of the Surveyor/Investigator. Mr. Maibam Singh contends that this aspect has been erroneously dealt with without recording any specific findings on the said objection. He has also urged that the surveyor report is exhaustive and in these circumstances, the State Commission could not have arrived at a conclusion of any deficiency on the part of the Insurance Company.

There was another discrepancy pointed out that the age of the insured was shown as 59 years in the proposal form when the Complainant Asharfi Das, who claimed himself to be the son of the insured himself, was shown to be aged about 65 years in the Voter List in 1995.

We have considered the submissions raised and we may record that a Voters' list of an Assembly Election of 1995, that too even of Bihar, is no conclusive evidence of the entries therein but the fact remains that Asharfi Das is the name of the nominee as clearly endorsed in the Insurance Policy that has been filed as Annexure-1 to the Appeal.

The discrepancy or any incorrect entry in a Voter list, cannot, in any way decide the identity of a person finally but in the instant case, the Complainant, as pointed out by Mr. Mishra, learned counsel for the Respondent, a certified copy of the Khatiyani (record of rights, of the land owned by the Complainant) was filed which clearly indicated against Clause-4 that the land of Khata number 282 stood recorded in the name of Ramlal Das S/o Fagnu Das and Asharfi Das S/o Ganaur Das. This certified copy of the document, which is a certified copy of the revenue extract, is an official document of revenue records and is therefore, a documentary proof admissible in evidence in terms of the Indian Evidence Act as well. The same has been officially issued and we have carefully perused the same. This demonstrates that there were two co-tenants of the recorded land of the same family namely Ramlal Das S/o Fagnu Das and Asharfi Das S/o Ganaur Das. Consequently, the occurrence of the name of Fagnu Das in the Voter list against the name of Asharfi Das, seems to be an inadvertent recital. The name of the father of Asharfi Das has been clearly mentioned as Ganaur Das in the same document. Possibly the name of Fagnu Das overlapped inadvertently in the voter list which explains the proximity of Fagnu Das and closeness with Asharfi Das.

The State Commission, in our opinion, recorded this in paragraph-5 of the impugned order and in such circumstances, the identity of Asharfi Das does not seem to be in any dispute. The doubt expressed by the investigator and the surveyor therefore, was without adverting to appropriate documents which could have been extract of the family register, birth and death register or the revenue record as above which are authentic documents relating to parentage. The entry in the revenue record is not disputed and in such circumstances, the State Commission was justified in allowing the Complaint.

The argument of Mr. Singh on behalf of the Insurance Company for doubting the identity of the claimant is therefore, untenable and is accordingly, rejected.

In the given circumstances, we find no error so as to warrant interference on the findings of facts as recorded by the State Commission. The Appeal has no merits and is accordingly, dismissed.

A. P. SAHI
PRESIDENT

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BHARATKUMAR PANDYA
MEMBER