



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI

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Case No. 213/1/2005-06 / 112

14/10/08

Name of the complainant : Mirabai Balasaheb Shinde
R/o Shekai Wadi), Post & Tal- Akole
Dist-Ahmednagar.
V/s
1. The Collector
Ahmednagar.
2. The General Manager
ICICI Lombard General Insurance Co. Ltd.
Zenith House, Keshavrao Khadye Marg
Mahalaxmi, Mumbai-400 034.

Date : September 29, 2008.

Coram : Justice Kshitij R. Vyas (Former Chief Justice), Chairperson.

PROCEEDINGS

The complainant is present with her brother-in-law at the time of hearing. Nobody is present on behalf of the respondent. The report is already filed in the case.

The complainant's husband expired on 8.5.2005 by accident. In view of Farmer's Accident Policy, the dependent heir is eligible for payment of insurance cover. The complainant approached the Talathi of Akole within 10 days of the accident. It appears that her claim was rejected as it was received after the expiry of the stipulated period by the Insurance Company. The complainant has challenged the same by way of filing this complaint.

In the reply submitted by the respondent Collector, Ahmednagar, it was pointed out that the application of the complainant was forwarded to the Insurance Company on 28.10.2005.

It appears that the Insurance Company rejected the claim on the ground that the complainant has failed to apply within stipulated period. It appears that the Collector Office by issuing another letter on 7.9.2006 pointed out to the Insurance Company that the complainant has in fact made claim within the stipulated period and therefore requested to Insurance Company to make the payments. Since nothing has happened thereafter, matter stands, as it is resulting denial to the complainant to get the insurance payment.

Having gone through the record, it appears that the complainant immediately applied for payment of insurance cover within 10 days of the death of her husband. It further appears that instead of taking immediate action into the matter, the Collector Office failed to forward the application of the complainant immediately. It appears that the application of the complainant was sent to the Insurance Company on 28.10.2005 i.e. after lapse of about 5 (five) months. It also appears that the Insurance Company took into the consideration this delay of 5 (five) months, as the delay in approaching the authority and rejected the valid claim of the complainant.

From the correspondence it really appears that the delay was in fact on account of the Office of the Collector in forwarding the claim of the complainant. Having realizing the said mistake, the Collector office immediately issued another letter on 7.9.2006 to the Insurance Company requesting them to make payment by stating that the complainant had in fact applied within stipulated period. Surprisingly, no action is taken inspite of this application by the Insurance Company. The complainant who is a poor widow is ultimately sufferer, as she is unable to get her legitimate claim for payment of insurance cover for more than 3 (three) years for no fault of hers.

In the opinion of the Commission, this is fit case wherein directions by way of recommendations are required to be given. In the result this complaint is allowed with following directions:

The Collector, Ahmednagar as well as concerned Insurance Company are directed by way of recommendations to complete all necessary formalities regarding the payment of insurance cover under Farmer's Accident Policy and see to it that the complainant is paid her legitimate claim with 8½% interest from the date of application till the date as early as possible, but in any case not later than 31st October 2008.

The compliance report shall be filed within **15days** thereafter.

With these recommendations, the complaint is accordingly disposed off.

Mumbai; September 29, 2008.




(Justice Kshitij R. Vyas)
Chairperson.