

**BEFORE THE DISTRICT CONSUMERS FORUM-II AT  
VISAKHAPATNAM**

P r e s e n t :

1. Sri H. Ananda Rao, M.A., L.L.B.,  
President
2. Smt K. Saroja, M.A. B.L.,  
Lady Member
3. Sri C.V. Rao, M.A., B.L.,  
Male Member

**Wednesday, the 10<sup>th</sup> day of December, 2014.**  
**CONSUMER CASE No.172/2014**

Between:-

✓ Smt. Parvathi Kotamsetti , W/o Late Kotamsetti Kesu,  
Hindu, aged 26 years, R/at Chowduvada Village,  
K Kotapadu Mandal, Visakhapatnam District,  
Andhra Pradesh.

..... Complainant

And:-

1. The Branch Head Claim Department,  
Birla Sun Life Insurance Company Ltd.,  
G. Corp Tech Park, 5<sup>th</sup> and 6<sup>th</sup> Floor,  
Kasar Wadavalli, Ghodbunder Road,  
Thane-400601.
2. The Branch Head, Birla Sun Life Insurance Company Ltd.,  
1<sup>st</sup> Floor, Eswar Paradise, Dwarakanagar Main Road,  
Visakhapatnam, Andhra Pradesh-530016.

... Opposite Parties

This case coming on 05.12.2014 for final hearing before us in the presence of Sri B. Narasinga Rao & Sri H.S. Ali, Advocates for the Complainant and the Opposite Parties 1 and 2 being exparte and having stood over till this date for consideration, this Forum made the following:

**ORDER**

(As per Smt. K. Saroja Honourable Lady Member on behalf of the Bench)

1. The case of the Complainant in brief is that the Complainant's husband obtained two Insurance Policies from Birla Sun Life Insurance Company Ltd., vide Policy No.004497214 for a period of twenty years i.e., from 28.10.2010 to 28.10.2030 for sum assured Rs.2,97,000/- (Rupees two lakh and ninety seven thousand only) and another Policy No.004480719 for a period of twenty years i.e., from 28.10.2010 to 28.10.2030 for sum assured Rs.4,50,000/- and the (Rupees Four lakhs and fifty thousand only) Complainant was showed as nominee in the said two policies. On

Complainant was intimated the same to the Opposite Parties and after receiving intimation the Opposite Parties issued DEATH BENEFIT CLAIM FORM and the Complainant submitted all required original documents with the Application Form for settlement of the claim. The first Opposite Party issued approved letter and intimated to the Complainant to receive the approved cheque from the 2<sup>nd</sup> Opposite Party who is the Branch Office but the 2<sup>nd</sup> Opposite Party postponed to issue the said cheque to the Complainant till today. Then the Complainant issued a legal notice to the 2<sup>nd</sup> Opposite Party and repeated requests made by the Complainant but the Opposite Parties did not repay the insurance policy amount to the Complainant till now. In spite of many requests made by the Complainant, the Opposite Parties kept quiet. Hence, this Complaint.

2.
  - a) To direct the Opposite Parties to pay the assured amount as per premium BSLI Bachat (Endowment) plan vide Policy No.004497214 for sum assured Rs.2,97,000/- (Rupees Two lakh and Ninety Seven thousand only);
  - b) To direct the Opposite Parties to pay the assured amount as per premium BSLI Bachat (Endowment) plan vide Policy No.004480719 for sum assured Rs.4,50,000/- (Rupees four lakh and fifty thousand only);
  - c) To direct the Opposite Parties to pay an amount of Rs.5,00,000/- compensation towards mental agony, deficiency of service;
  - d) To direct the Opposite Parties to pay an amount of Rs.40,000/- towards of costs of the Complainant; and
  - e) For such other relief or reliefs as the Forum may deems fit and proper in the circumstances of the case.

3. The Opposite Party did not appear before this Forum, though they have received notices. Hence, they were set exparte and remained exparte.

4. At the time of enquiry, the Complainant filed affidavit as well as written arguments and also documents to support her contentions. Exs.A1 to A7 are marked for the Complainant. Heard the Complainant.

5. Ex.A1 is the Insurance Policy No.004497214 issued by the Opposite Parties in favour of the Complainant's husband/insured. Ex.A2 is another Insurance Policy No.004480719 issued by the Opposite Parties in favour of the Complainant's husband/insured. Ex.A3 is the Death Claim under Policy No.004497214 of late Kotamsetti Kesu issued by the Opposite Parties in favour of the Complainant dated 23.09.2011. Ex.A4 is the Death Claim under Policy No.004480719 of late Mr. Kotamsetti Kesu issued by the 2<sup>nd</sup> Opposite Party in favour of the Complainant dated 23.09.2011. Ex.A5 is the Death Certificate issued by Panchayat Secretary, K Kotapadu Mandal, Visakhapatnam. Ex.A6 is the two Registered Lawyer's Notices issued by the Complainant in favour of the 2<sup>nd</sup> Opposite Party dated 12.02.2014. Ex.A7 is the acknowledgement Cards.

6. The fact shown from Exs.A3 and A4 reveals that after receiving the original documents for settlement of claim, the 1<sup>st</sup> Opposite Party issued a letter dated 23.09.2011 stating that we wish to inform you that the claim on the above policy is approved, we are forwarding the cheque for Rs.4,50,000/- and Rs.2,97,000/- towards full and final settlement of the above mentioned policies on the life of late Mr. Kotamsetti Kesu to our branch which is situated at Visakhapatnam A.P.

7. The point that would arise for determination in the case is:-  
Whether there is any deficiency in service on the part of the Opposite Parties. Whether the Complainant is entitled to any reliefs asked for?

8. After careful perusal of the case record, this Forum finds that the insured obtained two policies from the Opposite Parties. This is not in dispute. According to Exs.A3 and Ex.A4, the Opposite Parties issued a letter in favour of the Complainant stating that they have sent cheques towards full and final satisfaction of the above mentioned policies to the Branch Office at Visakhapatnam. When the Complainant approached the 2<sup>nd</sup> Opposite Party for receiving of the said cheques as per the 1<sup>st</sup> Opposite Party, the 2<sup>nd</sup> Opposite Party did not give the cheques. Even after approval made by the 1<sup>st</sup> Opposite Party, the 2<sup>nd</sup> Opposite Party did not issue the said cheques in favour of the Complainant. This amounts to outright deficiency in service on the part of the Opposite Parties. The Opposite Parties are

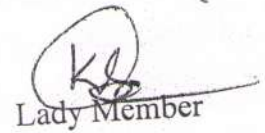
jointly and severally liable to pay the amount because for every act of the agent principal is held liable. Hence, the Complainant is entitled to insurance amount with interest, some compensation and costs too.

9. In the result, this Complaint is allowed directing the Opposite Parties 1 and 2: a) to pay an insurance amount of Rs.2,97,000/- (Rupees two lakh and ninety seven thousand only) in the policy No.004497214 with interest @ 9% p.a. from 12.2.2014 till the date of actual realization, b) to pay an insurance amount of Rs.4,50,000/- (Rupees four lakh and fifty thousand only) in the Policy No.004480719 with interest @ 9% p.a. from 12.2.2014 till the date of actual realization and to pay c) a compensation of Rs.70,000/- (Rupees Seven thousand only) and d) Costs of Rs.7,000/- (Rupees seven thousand only) to the Complainant. Advocate fee is fixed at Rs.2,000/- (Rupees two thousand only). Time for compliance, one month.

*Dictated to the Steno, transcribed by him, corrected and pronounced by us in the Open Forum, this 10<sup>th</sup> day of December, 2014.*

  
President

C. V. Rao  
Male Member

  
Lady Member

### APPENDIX OF EVIDENCE

#### For the Complainant:-

NO.	DATE	DESCRIPTION OF THE DOCUMENTS	REMARKS
Ex.A01	28.10.2010	Policy Bond No.004497214 for Rs.2,97,000/- issued by the Ops in favour of the Complainant's husband/insured.	Photo copy
Ex.A02	28.10.2010	Policy Bond No.004480719 for 4,50,000/- issued by the Ops in favour of the Complainant's husband/insured.	Photo copy
Ex.A03	23.09.2011	Death Claim under Policy No.004497214 of late Kotamsetti Kesu issued by the Ops in favour of the Complainant.	Photo copy
Ex.A04	23.09.2011	Death Claim under Policy	Photo copy

		No.004480719 of late Mr. Kotamsetti Kesu issued by the 2 <sup>nd</sup> OP in favour of the Complainant	
Ex.A05	18.03.2011	Death Certificate issued by the Pachayat Secretary, K Kotapadu Mandal, Vsp.	Original
Ex.A06	12.12.2014	Registered Lawyer's Notice issued by the Complainant's counsel to 2 <sup>nd</sup> OP	Office copy
Ex.A07		Acknowledgements cards No.4	Original

**For the Opposite Parties:-**

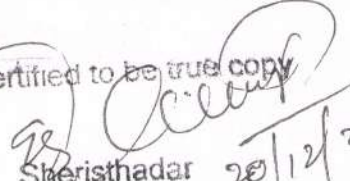
-Nil-

  
President

C. V. Rao  
Male Member

  
Lady Member

Date: 10-12-2014  
When Made Ready: 10-12-2014  
Dt of Despatch / Delivery: 30-12-2014

Certified to be true copy  
  
Sheristhadar 20/12/2014

Vide Dis. No. 720, Dt. 30/12/14