



CASE STUDY #1



Background

Few years back, the insurance industry witnessed a unique court judgement, when a death due to Dengue was claimed as case of accidental death. The policy decision was in favor of the claimant who demanded and won the assured amount of Rs.1,75,000 at the District Forum.

Several such cases sprang up making it burdensome for the insurance companies.

The following claim came to INCHES for a medico-legal opinion:

An insurance company had a tie up with a bank and was providing complimentary personal accident cover to all account holders in the age band of 18-75 years.

A 28-year-old who was covered under the same policy died of dengue encephalitis. The parents of the deceased claimed the insurance amount under the PA policy.

The bank and the insurance company were hesitant in paying the claim, hence the insured approached the District Forum, who allowed the complaint and directed the Insurance Company to pay the amount of insurance claim to the complainant.

An appeal against the order was filed by the Insurance Company before the State Commission, which was dismissed. Aggrieved by the order, Insurance Company filed a revision petition before NCDRC.

How INCHES helped?

On reviewing the documents, we submitted our argument that the claim is not payable for the following reasons:

- The policy terms and conditions are sacrosanct. The policy uses IRDA definition of Accident; i.e. "*Accident means* a sudden, unforeseen, and unexpected physical event caused by external, violent and visible *means*".
- As was obvious from Medical Cause of Death certificate, death of the patient was due to complication (encephalitis) of a medical condition - dengue.
- Dengue is an endemic disease and any incidence related thereof cannot be considered as an accident.

- The Medical Cause of Death certificate does not mention 'Accident' as the causative factor.
- The mandatory process of filing a Medico Legal Case and sending the body for post mortem was not followed as the hospital was sure it is natural death and not an unnatural one.

There was also an argument during the legal proceedings, that similar claims are being paid overseas for the same.

Our contention was,

- The policy document defines both the terms and conditions and definition of Accident explicitly.
- There are special personal accident policies overseas that cover mosquito bites and related illness as specified in the policy document.

INCHES provided the medico-legal opinion putting across every minute detail on the table, thus aiding the appeal at NCDRC.

INCHES has a team having over 400+ collective years of medical, forensic and legal expertise and has helped resolve over 10,000 cases at the ombudsman.

For Further queries: Mail us on info@inches.academy

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