

**PRESIDENT'S SECRETARIAT (PUBLIC)**  
**AIWAN-E-SADR, ISLAMABAD**  
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**Rep. No. 11/FIO/2022**  
**Date of Decision: 22.12.2022**

M/s EFU Life Assurance Ltd.

Vs

Zaitoon Shakeel

**SUB: REPRESENTATION FILED BY EFU LIFE ASSURANCE LIMITED AGAINST ORDER OF THE FEDERAL INSURANCE OMBUDSMAN DATED 08.11.2022 IN COMPLAINT NO. 385/2022**

Kindly refer to your representation addressed to the President in the background mentioned below: -

2. This representation has been filed by M/s EFU Life Assurance Limited (the petitioner company) assailing the order dated 08.11.2022 of the Federal Insurance Ombudsman whereby it has been held as under:-

*“The Complainant has furnished relevant documentary evidence but the Respondent Company appears to have been adopting delaying tactics by calling those documents which are neither in her possession nor relevant to her medical claim. The plea of the Complainant is based on cogent reasons which are supported by documentary evidence. The Respondent Company has not produced any convincing material on record to controvert the veracity of evidence provided by the Complainant. Thus, the claim of the Complainant is amply justified. The Respondent Company is therefore directed to pay death claim of Rs. 4,000,000/- to the complainant within thirty (30) days of the receipt of this order.”*

2. The deceased Shakeel Ahmed had purchased a life insurance policy from the petitioner company on 01.01.2017 for sum assured of Rs. 4,000,000/-and annual premium of Rs. 105,060/- He died on 07.03.2021. His wife Mst. Zaitoon Shakeel (the complainant) filed the death insurance claim to the petitioner company but the matter was not decided allegedly for want of certain documents to be produced by the complainant.

3. Feeling aggrieved, the complainant approached the learned Ombudsman who passed the impugned order, hence the instant representation.

4. The hearing of the case has been held on 14.12.2022. Ahsan-ur-Rehman, Legal Manager on behalf of the petitioner company and the complainant Mst. Zaitoon Shakeel has attended the hearing.

5. The representative of the petitioner company has contended that the impugned order is not based on law and facts which deserves to be set aside; that the complainant had repeatedly been asked to furnished documents to assess the death claim which had not been furnished and thus no element of maladministration exists on the part of the petitioner company; that the death claim is pending for want of required documents on the part of the complainant, thus the instant representation may be accepted by setting aside the impugned order.

6. Conversely, the complainant has contended that all the required documents had been furnished to the petitioner company and the learned Ombudsman while taking cognizance of the matter had rightly passed the impugned order by directing the petitioner company to pay the death insurance claim which deserves to be upheld.

7. The respective contentions of the parties have been considered in the light of the material on record.

8. The perusal of the record shows that the husband of the complainant had died on 07.03.2021 and the complainant had filed the death insurance claim to the petitioner company on 26.03.2021. The petitioner company in its letter dated 19.04.2021 had requested the complainant to furnish certain documents. The complainant had furnished all the documents in her position. The petitioner company in its letter dated 24.08.2021 had informed the complainant that *“the initial set of documents submitted by you and our investigation findings show that late Mr. Shakeel Ahmad was suffering from heart disease for quite some time but complete medical records and hospital files have not been provided by you.*

*In view of the above facts, we need to review all required records of the deceased. We, therefore, request you to probe carefully into the matter and submit the following documents at your earliest:*

*Copies of all medical records including admission and treatment details of Multan Institute of Cardiology Hospital, Multan.*

*Hospital File of Multan Institute of Cardiology Hospital Multan.”*

9. The contention of the petitioner company that since the deceased was allegedly suffering from heart disease for quite some time so the documents pertaining to his medical history are essential to assess the death insurance claim is without substance because the policy was issued on 01.01.2017 while the deceased had expired on 07.03.2021. Section 80 of the Insurance Ordinance, 2000 (the Ordinance) provides that no policy of life insurance effected after the commencement date shall, after the expiry of two years from the date on which it was effected, be called in question by an insurer on medical grounds. Hon’able Lahore High Court, Lahore in *State Life Insurance Corporation Vs Mst. Sadaqat Bano (PLD 2008 Lah. 461)* has held as under:

*“According to section 80, Insurance Ordinance, 2000, an insurance policy cannot be called in question on the grounds of misrepresentation, false statement or suppression of material facts after two years from the date when the policy was originally effected. The period of two years, even in case where the policy was revived and renewed, would be counted from original date of the policy in question.”*

10. The denial and inordinate delay by the petitioner company in payment of death insurance claim on such flimsy grounds of not furnishing documents pertaining to medical history of the deceased constitutes maladministration. The learned Ombudsman has rightly observed that the petitioner company had been adopting delaying tactics to pay the death insurance claim.

11. In view of the above, no interference is warranted in the impugned order which is based on law and facts.

12. Accordingly, the Hon’able President has been pleased to reject the instant representation with the observation that additionally when the payment is made as per above order, profit for the period during which the amount was contested by the company, should also be paid to be calculated until the date of payment.

Sd/-

**(Muhammad Saleem)**  
**Director (Legal-I)**

- 1) Managing Director/ CEO  
M/s EFU Life Assurance Limited,  
EFU Life House, Plot No. 112,  
8<sup>th</sup> East Street, Phase-I, DHA, **Karachi**
- 2) Mst. Zaitoon Shakeel  
Wd/o Late Shakeel Ahmed  
C/o Khawaja Waleed Autos, Ali Pur Road,  
District **Muzaffar Garh.**

**Copy to:-**

The Insurance Ombudsman, Insurance Ombudsman’s Secretariat, PRCS Annexe Building, Plot No. 197/5, 2<sup>nd</sup> Floor Dr. Daud Pota Road, Near Cantt. Station, **Karachi.**