

PRESIDENT'S SECRETARIAT (PUBLIC)
AIWAN-E-SADR, ISLAMABAD

Rep. No. 391/WM/2022
Date of Decision: - 06.01.2023

SLICP Vs Zakia Bibi

Sub: **REPRESENTATION FILED BY STATE LIFE INSURANCE CORPORATION OF PAKISTAN AGAINST THE FINDINGS OF THE WAFAQI MOHTASIB DATED 25.07.2022 IN COMPLAINT NO. WMS-BWP/2555/2022**

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

2. This representation has been filed by State Life Insurance Corporation of Pakistan (the Agency) assailing the orders dated 25.07.2022 of the Wafaqi Mohtasib whereby it has been held as under: -

“The process of repudiation of death claim is found arbitrary, illegal and unjust; so amounts to maladministration as defined under Article 2(2) of P.O. 1 of 1983. Consequently, the complaint under Regulation 23(4) of the Wafaqi Mohtasib (Investigation & Disposal of Complaints) Regulations, 2013 is accepted.

Following the above, the Agency is advised to settle the matter and provide appropriate relief to the complainant in accordance with its policy, procedure, rules and regulations within thirty (30) days or reasons for not doing so may be intimated in terms of Article 11(2) of P.O. 1 of 1983.”

3. The deceased Muhammad Saeed had obtained a life insurance policy from the Agency on 11.08.2017 for sum assured of Rs. 900,000/-. He died on 30.09.2017. His wife Mst. Zakia Bibi (the complainant) filed the death insurance claim to the Agency which was repudiated on the ground that the deceased policy holder had pre insurance ailment and was patient of chronic liver disease. The brief background of the matter as per policy particulars is as under:-

Date of Commencement	11.08.2017
Sum Assured	Rs. 900,000/-
Medical or Non-Medical	Medical
Age of the assured	46
Maturity Period	20 years
Date of Death	30.09.2017

4. Feeling aggrieved, the complainant approached the learned Wafaqi Mohtasib who passed the impugned order, hence the instant representation.

5. The hearing of the case has been held on 28.12.2022. Raja Abdul Waheed, Deputy General Manager on behalf of the Agency has attended the hearing while no one appeared on behalf of the complainant despite notice.

6. It is an admitted fact that the policy had been issued subject to medical examination of the deceased conducted by the authorized medical officer of the Agency whereby the insured had been declared in good health and medically fit. The pre-insurance ailment could easily be diagnosed and detected by the aforesaid authorized medical officer as the services of the medical officer are arranged

to examine the policy holders prior to issuance of the policy. Section 19 with exceptions of the Contract Act, 1872 shows that where the consent is caused by misrepresentation or fraudulent means, the contract is not voidable if the party whose consent was so caused had the means of discovering the truth with ordinary diligence. The Agency had all the means of discovering the alleged ailment of the insured by exercising due diligence through its authorized medical officer which is now estopped to take such a plea of pre-insurance ailment.

7. The perusal of the record shows that the direction of the learned Wafaqi Mohtasib to the Agency is “to settle the matter to provide appropriate relief to the complainant in accordance with its policy, procedure, rules and regulations within thirty (30) days.” No positive direction has been issued by the learned Wafaqi Mohtasib as to the quantum of money / sum assured to be paid to the complainant. It is for the Agency to settle the matter which it can do by associating the complainant with the process of settlement in accordance with its policy, rules and regulations so as to provide her some relief. The systems within the agency need improvement, so that in eagerness of their agents to sell policies the health status is not being investigated well.

8. In view of the above, the Hon’able President has been pleased to dispose of the instant representation directing the Agency, to improve its system checks and report back in three months as to measures taken, and in this case also to settle the matter to provide relief to the complainant in accordance with its policy, procedure, rules and regulations.

Sd/-
(Muhammad Saleem)
Director (Legal)

- 1) The Chairman
State Life Insurance Corporation of Pakistan
Principal Office: State Life Building No. 9
Dr. Ziauddin Ahmed Road, **Karachi**.
- 2) Mst. Zakia Bibi
Wd/o Muhammad Saeed
R/o Chak No. 83-M, Tehsil Jalal Pur Pir Wala,
District **Multan**. (Mob. No. 0347-7084501)

Copy to:

The Secretary, Wafaqi Mohtasib’s Secretariat, **Islamabad**.