

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

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**Rep. No. 455/WM/2022**  
**Date of Decision: - 19.01.2023**

SLICP Vs Muhammad Jahanzeb Khan

**SUB: REPRESENTATION FILED BY STATE LIFE INSURANCE CORPORATION OF PAKISTAN AGAINST THE FINDINGS OF THE WAFAQI MOHTASIB DATED 11.08.2022 IN COMPLAINT NO. WMS-HQR/00004682/22**

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 order dated 11.08.2022 of the Wafaqi Mohtasib whereby it has been held as under: -

*“The Agency had all the means at its disposal of discovering the reported pre-insurance ailment of the deceased through its authorized medical officer. The Agency had not exercised due diligence at the time of sale of its policy and even could not bring any documentary evidence of insured about remaining under treatment of such disease prior to obtaining the insurance policy.*

*The Agency has mentally tormented the complainant/nominee by not making the payment of death claim of his deceased son without any justification. Therefore, maladministration on part of the Agency was established in terms of Article 2(2) of President's Order No. 1 of 1983 for not making the due payment of policy to the complainant/nominee in time. Consequently, this complaint is accepted under Regulation (4) of the Wafaqi Mohtasib (Investigation and Disposal of Complaints) Regulations, 2013.”*

3. The deceased Irfanullah Khan had obtained a life insurance policy from the Agency on 31.12.2018 for sum assured of Rs. 2,000,000/-. He died on 28.01.2020. His father Muhammad Jahanzeb Khan (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 Aplastic Anemia. The brief background of the matter as per policy particulars is as under: -

Date of Commencement	31.12.2018
Sum Assured	Rs. 2,000,000/-
Medical or Non-Medical	Non-Medical
Age of the assured	29
Maturity Period	20 years
Date of Death	28.01.2020

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 04.01.2023. Raja Abdul Waheed, Deputy General Manager on behalf of the Agency and the complainant Muhammad Jahanzeb Khan has attended the hearing.

6. The representative of the Agency has contended that the insurance claim had rightly been repudiated as the deceased policy holder willfully did not disclose his pre-insurance ailment and the insured cannot be absolved of his duty of disclosure as previous medical history showed that he was patient of Aplastic Anemia; that had the deceased disclosed the material facts pertaining to his health at the time of obtaining the policy, he could not have been issued the same. He has prayed for setting aside of the impugned order of the learned Wafaqi Mohtasib.

7. Conversely, the complainant has contended that the deceased policy holder was not suffering from any pre-insurance ailment and was quite healthy at the time of issuance of the policy; that the impugned order is based on law and facts which deserves to be upheld and the instant representation may be rejected.

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

9. The onus to prove the pre-insurance ailment rests upon the Agency. The repudiation of the death insurance claim requires unimpeachable evidence regarding existence of the alleged pre-insurance ailment. The Agency has not produced any document in its support to establish the alleged pre-insurance ailment and its nexus with the death of the policy holder. The repudiation of death insurance claim on such a flimsy ground is thus without substance.

10. The Confidential Report of the Field Officer of the Agency namely M. Imran Khan, Sales Manager annexed with the Proposal Form reveals that the said officer had declared the insured as healthy at the time of issuance of the policy and categorically stated therein that he knew the deceased since last five years, thus plea of the pre-insurance ailment by the Agency is hit by the principle of estoppel.

11. In view of the above, maladministration stood established on the part of the Agency warranting the impugned order of the learned Wafaqi Mohtasib to be upheld.

12. Accordingly, the Hon'able President has been pleased to reject the representation. Compliance to be reported to the learned Wafaqi Mohtasib within thirty days.

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) Muhammad Jahanzeb  
S/o Haji Malik Ahmad Jan  
R/o Kotka Shah Alam  
P/o Kotka Hayatullah, Tehsil & District Naurang,  
**Lakki Marwat.** (Mob. No. 0346-9278220)

**Copy to:**

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