

ITEM NO.13                      Court 6 (Video Conferencing)                      SECTION XVII-A

**S U P R E M E C O U R T O F I N D I A**  
**R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (C) No.436/2021

(Arising out of impugned final judgment and order dated 24-11-2020 in RP No.2607/2019 passed by the National Consumers Disputes Redressal Commission, New Delhi)

BAJAJ ALLIANZ LIFE INSURANCE CO. LTD. & ANR.                      Petitioner(s)

**VERSUS**

JINNATBIBI RAJAKBHAI SINDHI                      Respondent(s)

(With appln.(s) for I.R. and IA No.2368/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-01-2021 This petition was called on for hearing today.

**CORAM :**

**HON'BLE DR. JUSTICE D.Y. CHANDRACHUD**  
**HON'BLE MS. JUSTICE INDIRA BANERJEE**  
**HON'BLE MR. JUSTICE SANJIV KHANNA**

**For Petitioner(s)**      Mr. Amol Chitale, Adv.  
                                 Ms. Shweta Singh Parihar, Adv.  
                                 Mrs. Pragya Baghel, AOR

**For Respondent(s)**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1 Mr Amol Chitale, learned counsel appearing on behalf of the petitioners submits that:
  - (i) The deceased-assured was suffering from a pre-existing carcinoma which was suppressed when the insurance policy was obtained;

- (ii) The documents evidencing the treatment, which was received by the deceased at the MP Shah Cancer Hospital, Ahmedabad were proved through the evidence of a witness as set out in the order of the District Forum; and
  - (iii) The comparison of the documents produced with the proposal form would show that though there was a variation in the age of the deceased, the address identifying the deceased was clearly set out, both in the proposal form and in the medical record.
- 2 Issue notice, returnable in 12 weeks.
  - 3 The respondent would file a counter affidavit within a period of six weeks from the date of service of the notice. Rejoinder affidavit, if any, be filed within four weeks of the filing of the counter affidavit.
  - 4 Pending further orders, there shall be a stay of the operation of the impugned judgment and order of the National Consumer Disputes Redressal Commission dated 24 November 2020.

**(CHETAN KUMAR)**  
**A.R. - cum - P.S.**

**(SAROJ KUMARI GAUR)**  
**Court Master**