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 THIS STORY IS FROM MARCH 13, 2013

# Cancer patient's medical claim upheld

TNN / Updated: Mar 13, 2013, 01:34 IST



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CHANDIGARH: Offering respite to a [cancer](#) patient, the UT State Consumer Disputes Redressal Commission ruled that only cancer caused chewing tobacco is excluded from [insurance](#) claim while cancer on the whole is not excluded from relief. The Commission also imposed a fine of Rs 45,000 on New India Assurance for wrongful denial of claim and directed them to pay the cancer medi-claim of Rs 3,34,264 to the complainant. Earlier, the district consumer dispute redressal [forum](#) issued a ruling on similar lines but the company filed an appeal against it, which the Commission dismissed. Pankaj Chandgothia, counsel for the complainant, contended that the insurance company wrongly rejected the claim alleging that the cancer was caused by tobacco, even though it was caused by chronic dental irritation. "I and my family were covered under a medi-claim policy since 2004 and the policy was renewed annually without a break. I underwent an operation for treatment of tongue cancer in September, 2011 and filed for reimbursement of medical expenses of Rs 3,34,264 with the insurance company. However, the company rejected the claim," said the complainant, V K Makharia of Panchkula.

In its reply, the insurance company said the claim was not payable on the grounds that the tongue cancer was caused by tobacco chewing, which was excluded under the medi-claim policy. They quoted a letter from their third-party administrator saying the patient suffered from carcinoma of the tongue and had a history of tobacco chewing. Chandgothia contended that

saying the patient suffered from carcinoma of the tongue and had a history of tobacco chewing. Changanatha contended that the exclusion clause did not exist when the policy was taken in 2004. It was added in 2007, without information or consent of the complainant. Besides, the lawyer submitted the doctor's medical certificate saying the cancer was caused by chronic dental irritation and not tobacco chewing. He also pointed out that the patient had quit chewing tobacco around 25 years ago. After listening to arguments, the commission directed the insurance company to pay Rs 35,000 as compensation for harassment and Rs 10,000 as cost of litigation to the complainant. The commission has also been directed to pay medical expenses of Rs 3,34,264, to the complainant within 45 days.

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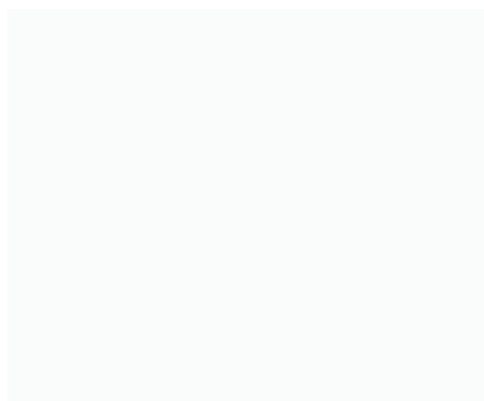
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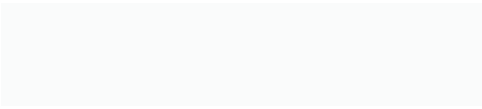
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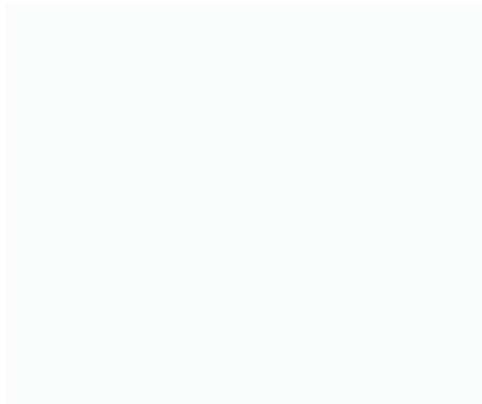
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