

IN THE COURT OF MIRZA JAWAD A: BAIG,  
DISTRICT & SESSIONS JUDGE,  
PRESIDING OFFICER, DISTRICT CONSUMER COURT,  
DERA GHAZI KHAN, CAMPT AT LAYYAH.

(PHONE: PTCL: 0642474100. FAX: 0642470496).

Mst. Perveen Akhtar    versus    New Jubilee Life Insurance Co. & 1 other

Complaint/ Case No:	2112 / 33 / 11.
Date of Institution:	16-01-2012.
Date of Decision:	20-03-2012.

COMPLAINT ABOUT FAULTY SERVICES

ORDER:

The claimant is represented by Sardar Abdul Aziz Khan Advocate while defendants are represented by Sheikh Mohammad Zulfiqar Advocate along with joint representative of the defendants.

1.      The court is on tour at Layyah.
2.      The case is at the stage of the arguments. I have heard the arguments and perused the file. I proceed to discuss and dispose off the complaint in accordance with the findings in the following paragraphs.
3.      Briefly stated the grievance of the claimant is to the effect that she wants to get the due profit on encashment of her insurance policy bearing proposal No.621636 Policy No.112549 namely Aman Plan having deposited Rs.1,00,000/- per year as premium having deposit of Rs.2,27,126/-; that the defendants do not pay the profit on the scheme; that the defendants are not paying 90 percent for construction of house; that they should be directed to pay the profit and Rs.3,00,000/- as loan.
4.      The defendants have jointly contested the complaint by filing their joint written statement to the effect that present cash value has been paid to the claimant at her own application otherwise she was bound to complete period of ten years according to the agreement between the parties; that the complaint has been filed by showing cleverness.
5.      I have come to the view on perusal of the record in the light of the arguments of learned counsel for the parties that the complaint is liable to be returned for presentation in the proper forum because this court has no jurisdiction to entertain the present dispute keeping in view the ruling of the Honourable High Court reported as PLJ 2008 Lahore 219. It is observed that the Honourable High Court has clearly prohibited the cognizance of the Insurance claim by any other court except the Insurance Tribunal with reference to S.121 to 124 of the Insurance Ordinance 2000.
6.      Even otherwise, it is proper for the claimant to pursue the remedy before the head office of the company once again and to go to the tribunal afterwards to challenge the final decision of the head office of the company after getting the final decision if the same is

against herself or to go directly to the learned Insurance Tribunal as considered proper by her learned counsel.

7.        In accordance with above discussion, the complaint is hereby disposed off by treating the same as having been returned for presentation before the proper forum in accordance with law.

8.        *The parties are left to bear their own costs.*

9.        *The file of this complaint is to be consigned to the record room duly page marked with proper index and after due completion and made available for issuance of attested copies and kept under safe custody till the period fixed for destruction in accordance with the Rules & Orders of Honourable Lahore High Court.*

Announced:  
20-03-2012.

(MIRZA JAWAD A: BAIG)  
D. & S. J. / P.O., D.C.C., D.G.K.,  
PUNJAB, PAKISTAN,  
CAMP AT LAYYAH.