

Name:

Enrolment No:



UPES

End Semester Examination, December 2024

Course: Insurance Law

Semester: IX

Program: BA LLB(Hons.), BBA LLB(Hons.), B Com LLB(Hons.)

Time : 03 hrs.

Course Code: CLCC5009

Max. Marks: 100

Instructions:

- All questions are compulsory.
- For Section A, the Word Limit per Question is 30–50 words. For Section B, the Word Limit per Question is 100–120 words, For Section C, the Word Limit per Question is 200–250 words and For Section D, the Word Limit per Question is 500–600 words
- Provide examples and cases where applicable to support your analysis.
- Ensure clarity and coherence in your writing, maintaining an academic tone throughout.

**SECTION A
(5Qx2M=10Marks)**

S. No.		Marks	CO
Q 1	To successfully claim the insurance in property when must insurance interest exist: a. At the time of loss b. At the time policy c. Either a or b d. None of the above	2M	CO1
Q 2	_____ was nationalized in 1973.	2M	CO1
Q 3	The duty to disclose material facts is till: a. The proposal form is filled b. The proposal form is accepted c. The policy is issued	2M	CO1

	d. The policy is in operation		
Q 4	State the purpose of insurance.	2M	CO1
Q 5	IRDAI is the sole authority for regulation of insurance business in India. True/False	2M	CO1
SECTION B (4Qx5M= 20 Marks)			
Q 6	Differentiate between life insurance and general insurance.	5M	CO2
Q 7	Discuss the process of assignment under an insurance policy.	5M	CO2
Q 8	Describe the various kinds of marine insurance.	5M	CO2
Q 9	Explain with the help of example application of doctrine of Causa Proxima to fire insurance.	5M	CO2
SECTION-C (2Qx10M=20 Marks)			
Q 10	Analyze the concept of Insurance Ombudsman and various duties assigned to an Insurance Ombudsman.	10M	CO3
Q 11	Examine the facts and answer the questions: Ms. Devika took a life insurance policy for her minor daughter. The policy was issued on 31 March 2021. At the request of Ms. Devika the date on which the risk would commence was back dated. The date of commencement of risk thus became 10 May 2020. In clause 4-B of the policy it was stated that, “Notwithstanding anything to the contrary, it is hereby declared and agreed that in the event of death of life assured occurring as a result of intentional self injury, suicide or attempted suicide..on or after the date when the risk has commenced, but before the expiry of three years from the date of policy, the liability of the Corporation shall be limited to the sum equal to the total amount of premiums....paid under policy without interest.” The assured committed suicide on 15 November 2023. Decide on the liability of the Corporation to pay the sum insured in light of date of policy and date of risk.	10M	CO3
SECTION-D (2Qx25M=50 Marks)			
Q 12	Examine the facts and answer the following: Mr. Ronald, a 65-year-old individual, gets a life insurance policy for 10 lakh rupees in the year 2019. Under the policy, he assigns his wife Mrs. Bindu the rights of the policy from 2022- 2024. Mrs. Bindu has claimed insurance money after the demise of Mr. Ronald in November 2024 due to Lung cancer. It was later investigated and found out by the insurance company that in 2018, Mr. Ronald had visited an oncologist and had received medical reports of a tumorous growth in the left lung. Hence, Mrs. Bindu was denied insurance amount due to suppression of material facts. Mrs. Bindu has approached consumer forum and wants the premium money that she paid from 2022-204	25M	CO4

	<p>refunded. Answer in detail the following questions on the basis of case laws and legal principles:</p> <p>Assess and provide a well drafted legal opinion to the insurance company as your legal client. Include case laws and legal provisions wherever relevant.</p>		
Q 13	<p>Examine the facts and answer the following: Sandhya had taken a policy for her house against accident by fire. On two occasions she tried to avail the insured amount:</p> <p>-first time, when there was a military drill going on a forest area adjacent to her courtyard. A gunshot resulted in breaking of her Italian chandelier and floor damage due to its breaking.</p> <p>-Second time, there was a fire in the same forest. Its smoke and heat damaged the marble walls of her house from outside.</p> <p>Based on these facts, explain the how and in which scenario her claim will be valid. Justify the same with legal principles and case laws.</p>	25M	CO4