

Roll No:

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**UNIVERSITY OF PETROLEUM AND ENERGY STUDIES**  
**End Semester Examination, May 2020**

**Course: Law of General Insurance**

**Program: BBA,LL.B. (Hons.) Banking, Finance & Insurance Law**

**Time: 03 hrs.**

**Semester: 8<sup>th</sup>**

**Course Code: LLB L 417**

**Max. Marks: 100**

**Instructions: As this examination is open book, the students are expected to demonstrate a very high degree of Academic Integrity and not copy contents from resources referred. Instructors would look for understanding of the concepts by the students and any similarity found from resources online/offline shall be penalized in terms of deductions of marks and even cancellation of paper in requisite cases. The online examination committee of the school would also look for similarity of two answer scripts and if answer scripts of two or more students are found similar, both the answer scripts shall be treated as copies and lead to cancellation of the paper. In view of the aforesaid points, the students are warned that they should desist from any unfair means and provide answers in their own word.**

**All the questions are compulsory.**  
**Answers each question in not more than 500 words**

S. No.		Marks	CO
Q 1	Mr. Agarwal obtained a comprehensive fire insurance policy on 10-10-2019. On 01-01-2020 due to short circuit fire broke out at his place which resulted damage. A claim was raised by Mr. Agarwal raised a claim of 10 lakhs rupees by claiming the day zero cost of the items which got damaged due to fire. Insurance company rejected the claim that day zero cost cannot be settled as it is general terms and conditions of the policy. In the light of abovementioned statement analyze whether the insurance company is liable to pay the claim. Substantiate your argument with relevant case laws.	20	CO4
Q 2	Jagdish while driving a Bolero maxi cab met with an accident and thereby injuring Suresh which died in that accident. Legal representative raised a claim against the company but the company rejected the claim on the ground that at the time of accident Jagdish was not having commercial license and therefore no liability arise on the part of insurance company. On the basis of facts kindly adjudicate the liability of insurance company by substantiating relevant case laws. Also explain the term "third-party" under motor insurance.	20	CO1
Q 3	Rohan purchased a health insurance on 10-02-2020. On 11-02-2020 he met with an accident and was hospitalized. After a treatment of 10 days he was discharged from the hospital and for the same a bill of 1.5 lakhs was paid by Rohan. Rohan later on claimed this amount from the insurance company, but the claim was rejected by the company on the ground that minimum waiting period time is not lapsed hence no claim can be raised against the company. On the basis of abovementioned facts analyze the	20	CO4

	liability of insurance company. Also explain the concept of halt period or waiting period under health insurance.		
Q 4	Ship Gryffindor sets his voyage from India to united States. Prior to the voyage, vessel policy was obtained. As this was the first voyage of Gryffindor, the crew members were nervous and because of which they committed mistakes. Since there was no synchronization between the members the ship met with an accident which resulted damage to ship as well cargo. A claim was raised against the company but company rejected the claim. On the basis of facts mentioned critically analyse the liability of the insurance company. Also explain the elements which constitute the principle of seaworthiness of the vessel.	<b>20</b>	<b>CO3</b>
Q 5	Raghu parked his car at parking place which was assigned to him. Due to negligence of third person his car got damaged. Raghu raised a claim against the insurance company, but the company rejected the claim that since vehicle was not in use therefore claim can-not be raised. Analyzing the facts state whether the insurance company is liable to pay the damages. Substantiate your arguments with relevant case laws. Also explain the meaning of term “Use of motor vehicle” in accordance with motor insurance.	<b>20</b>	<b>CO 2</b>