"प्रश्नपत्रिका उत्तरपत्रिका के साथ जोड़ना अनिवार्य है।"

"QUESTION PAPER MUST BE ATTACHED ALONGWITH THE ANSWER BOOK."

मई, 2012
May, 2012

ASSOCIATESHIP EXAMINATION
LEGAL ASPECTS OF LIFE ASSURANCE

समय : 3 घंटे ]  ।  कुल अंक : 100
Time : 3 Hours ]  ।  Total Marks : 100

किन्हीं आठ प्रश्नों के उत्तर दीजिए । दसवां प्रश्न के 16 अंक है किन्तु यह अनिवार्य नहीं है ।
अन्य सभी प्रश्नों के 12 अंक के हैं ।

Answer EIGHT questions only. Question number TEN carries 16 marks but this is not compulsory. All other questions carry 12 marks each.

प्र.1 निम्न में से किन्हीं तीन पर संक्षिप्त टिप्पणी कीजिये।

क) प्राथमिक संविदा  
ख) न्यायात्मिक पूर्व संसंग

ग) संस्थापक संविदा  
घ) प्रद्युभाधित व्यवसाय प्रबंधन

Q.1. Write short notes on Any Three :-

a) Contingent contract  
   b) Judicial precedents

   c) Treaty Reinsurance  
   d) Restrictive Trade Practices

प्र.2 निम्न में से किन्हीं तीन के बीच अन्तर स्पष्ट कीजिए।

क) बीमा एजेंट एवं साधारण एजेंट  
   ख) अवैध संविदा एवं अवैध हो सकने वाली संविदा

   ग) संयुक्त अधिकार एवं मिलाजुला अधिकार  
   घ) साधारण संविदा एवं बीमा संविदा

Q.2. Distinguish between Any Three :-

a) Insurance Agent and Ordinary Agent  
   b) Void and Voidable Contract

   c) Joint Tenancy and Tenancy in common  
   d) Ordinary Contract and Insurance Contract

प्र.3 किन्हीं तीन के उत्तर दीजिये।

क) नामाकरणी को व्यापार हैसियत होती है। व्यापार पूरी दावा राशि पर उसका अधिकार होता है?

   उच्चतम न्यायालय में निर्णय प्रकरण के आधार पर अपने उत्तर का आवद्धता दीजिये।

   एक जीवन बीमा पालिसी 21.8.2005 से प्रभावशील की गई, एवं पूर्व दिनांकित कर
   28.4.2005 को पालिसी की प्रारंभिक तिथि रखी गई। बीमित व्यक्ति की मृत्यु एक दुर्घटना में
   2.8.2006 को हो गई, एवं उसने पूर्व 2006 को देय वार्षिक प्रीमियम का भुगतान नहीं
   किया था। क्या मृत्यु दारा देय है? क्याही नहीं तो क्या नहीं?

   एक एम डी काफ्ट 120 बाहिरियों को लेकर मुंबई से ब्रिटेन्स जा रहा था कि वह प्लेन उतारते
   समय दुर्घटना प्रस्त हो गया। बीमा कम्पनी दावों का निर्णय किस तरह करेगी?

   व्यापार एक ट्रेड यूनियन अपने सदस्य के लिये समृद्ध जीवन बीमा ले सकता है?

1
Q.3. Solve Any Three :-

a) What is the status of a nominee? Is he/she entitled for the entire claim amount? Justify your answer with a decided case of Supreme Court.


c) An aircraft carrying 120 passengers from Mumbai to Trivandrum crashed while landing. How the insurance company will proceed with settlement of claim?

d) Can a trade Union get a Group Insurance Policy for its members?

Q.4. Solve Any Two :-

a) Explain the concept of Keyman Insurance. What are the provisions with regard to Income Tax on the moneys payable under the Keyman Insurance?

b) The First Premium Receipt was dated 6.2.2007. The life assured died on 8.4.2008 due to high diabetes. The claim was rejected on 9.9.2009 for fraud. Is section 45 of Insurance Act 1938 applicable in this case?

c) Explain with examples the circumstances under which a communication of acceptance is complete under a contract.

Q.5 Answer Any Two of the following:

a) ‘A Person has insurable interest on this own life to an unlimited extent. Do you agree with this statement? Do parents have insurable interest on the lives of their children?'
b) Distinguish between Representation and Warranty.

c) What are the functions and duties of Estate officer appointed under PP Act.

Q.6. Elaborate on Any Two of the following:

a) How does a life insurance contract differ from general insurance contract?

b) What is meant by will? Explain on Will, Probate, Executor & Administrator as defined under Indian Succession Act 1925.

c) Enumerate various provisions relating to the issue of life policies under Married Women’s Property Act 1874?

Q.7. Enumerate the various exclusion clauses relating to accident benefit under a contract of life insurance.

Justify with reasons whether Accident Benefit is admissible under the following cases:

a) ‘A’ in a drunken state was travelling in a bus which met with an accident at S.V. Road, Mumbai & died.

b) While robbing railway passengers, ‘A’ a dacoit was shot dead in the police encounter.

c) Miss ‘R’ committed suicide in the 2nd year of the policy due to failure in her love affair.
Q.8. a) Discuss how far life insurance policies are indisputable in India, with specific reference to various provisions contained under Section 45 of the Insurance Act, 1938?

b) Mr. Rajesh submitted a proposal of insurance along with First Premium Deposit in insurance Company on 28.3.2001. Due to discrepancy in date of birth, the office called for balance premium amount vide registered letter dated 7.4.2001. The proposer died on 11.4.2001 in road accident without paying the balance premium amount. Justify with decided court/consumer case, whether death claim is admissible?

Q.9. What are the rights and responsibilities of an agent. Also distinguish between the role of an agent & servant?

Q.10. Write a suitable letter to the nominee of a policyholder whose claim has been rejected for fraud. Bring out the relevant provisions of the proposal form in this respect.