

Name:

Enrolment No:



UNIVERSITY OF PETROLEUM AND ENERGY STUDIES
End Semester Examination, May 2019

Course: Insurance Law
Program: BALLB (EL/CLL)
: B. Com LL.B. (TL)
: BBALLB (CL/BFIT)

Semester: VI
Time: 03 hrs.
Max. Marks: 100

Course Code: LLBL445

Instructions: All questions are compulsory. Attempt all questions

S. No.		Marks	CO
Q 1	Write short notes on the following:	5	CO1
	A. Functions of insurance	5	CO1
	B. Insurance ombudsman		
SECTION B			
Q 2	Discuss the rule of assignment and nomination under law of insurance	10	CO2
Q3	Discuss: a. <i>Test of Prudent Insurer</i> b. Re-insurance c. Role of IRDA in regulating insurance business in India	10	CO3
SECTION-C			
Q 4	Explain doctrine of subrogation under law of insurance.	10	CO3
Q5	Discuss third party insurance for motor vehicle insurance.	10	CO3
SECTION-D			
Q6	Mr. X insured his life by taking a policy of insurance with company A. The terms of contract completely relieve the company from fulfilling any claim in case he commits suicide within three years of the policy. He regularly without any default made the payment of premium for three years without any default. After five year he committed suicide. Discuss with the help of relevant judicial pronouncements the validity of such clause in case of life insurance policies.	20	CO4

Q7	<p>Maria has taken an insurance on the life of his niece who is two years old without the consent of her parents. She subsequently poisoned her with deadly substance. On trial she was prosecuted for her murder. Explain:</p> <ul style="list-style-type: none">A. The validity of insurance contractB. Liability of Insurance companyC. Types of life insurance	20	CO4
Q8	<p>Mohit insured his car with Galaxy Insurance Company, later with another company called Moon Insurance Company. Mohit's car become liable in damage to a motor cyclist. Which insurance company is liable to compensate the loss to motor cyclist?</p>	10	

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Q 1	Write short notes following: <i>C. Uberrimae fides</i> D. Proximate Cause E. Double Insurance F. Life Insurance Corporation of India G. Functions of insurance	10	CO1
SECTION B			
Q 2	Discuss in detail the historical development of insurance in India with special emphasis on nationalization of insurance business in India	10	CO1
Q3	What are the various types of Marine Insurance policy in India?	10	CO2
SECTION-C			
Q 4	Discuss legal aspect of fire insurance in India.	10	CO3
Q5	Discuss relevant provision relating to claim tribunal under Motor Vehicle Act.	10	CO3
SECTION-D			
Q6	Gautam an insurance policy holder assigned his policy to Guru by endorsing upon the policy. But that assignment of policy from Gautam to Guru was not informed to the Insurance Company. Decide	20	CO4

	<p>A. Whether notice to the insurer is necessary for the validity of the assignment</p> <p>B. Discuss the legal provisions governing assignment under insurance law</p> <p>C. Distinguish between assignment and nomination.</p>		
Q7	<p>Vinod had a policy of life insurance. Policy lapsed due to non-payment of premium. He applied for the renewal of the policy. In the application form for renewal, one of the questions was whether between the date of lapse of the policy and the application for the renewal of the policy, he suffered from any illness. Vinod answered 'No'. The renewal was granted, but subsequently Insurance Company came to know that during that period Vinod underwent treatment for some skin trouble. Insurance company wants to avoid liability on that ground. Can it do so? Support your answer with help of relevant case laws and legal provisions.</p>	20	CO4
Q8	<p>"In order to get the claim under marine insurance the ship has to be seaworthy" in light of above statement discuss the provision of implied warranty under marine insurance act.</p>	10	