

Moot Problem No. 3

Mr. Mohammad Nazurulla is a resident of Valpoi. He travelled extensively throughout India. During his travel he got acquainted with Mr Altaf and he introduced Nazurulla to an association.

Mr. Mohammad Nazurulla became an active member of the Harkat ul Nazhar, which is an association formed to provide information on importance of independent State of Jammu Kashmir. His role was to hold awareness programs and speeches at religious gatherings. He is known for delivering informative rather than provocative speech. He was known moderate activist and his role was appreciated by moderates as well as extremist organ of Harkat Ul Nazar.

His active role brought him in contact with other leaders with different outlooks. He interacted with extremist group, terrorist group, moderate groups etc. Even though he is known for his moderate approach his inclination of ideology was not clear.

Mr. Mohammad Nazurulla, took a life policy of two crore. Being at the age of 28 and with robust health the Life Insurance Company did not do much of investigation and granted the policy. The policy mentioned his wife Nazarana as nominee. The dependents were entitled for compensation on death of the policy holder except in case suicide.

Within two months after taking policy, he got actively drawn into terrorist activity. He was involved with planning and executing bomb blast at High Court of Delhi.

Police constituted a Special Task Force and conducted an extensive investigation. The CCTV revealed the photograph of Mohammad Nazurulla. The police arrested him and put him through the interrogation and finally he was charge sheeted for the terrorist activity

Court found him guilty and condemned him with death sentence and the same was swiftly executed.

After death of Mohammad Nazurualla, the family members claimed the insurance money. The Company refused pay the lump sum agreed amount citing the reason of conviction.

The widow approached court for the claim, at the same time, the parents of the deceased Mohammad Shafi (aged 78 years) and Shabana (aged 60 years) joined the litigation as they were entitled for the share in the amount, which was resisted by Nazarana.

Issues before the court are

1. Whether the Insurance Co is entitled to pay the policy amount?
2. Whether the Nazarana alone has right over the policy amount?