

**IN THE FEDERAL CONSTITUTIONAL COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Ali Baqar Najafi  
Mr. Justice Muhammad Karim Khan Agha

**F.C.P.L.A. No.275 of 2025**

*(Against the judgment dated 29.09.2025 of the Islamabad High Court, Islamabad in Writ Petitions No(s).1951 and 2692 of 2024)*

*M/s Pak Qatar Family Takaful Ltd.*

*... Petitioner*

Versus

*Ms. Arisha Kanwal & others*

*... Respondents*

For the Petitioner: Mr. Burhan Latif Khaisori, ASC

Respondents: N.R.

Date of Hearing: 26.01.2026

**ORDER**

**Muhammad Karim Khan Agha, J.-** M/s Pak Qatar Family Takaful Limited (**“petitioner”**), through the present petition for leave to appeal, calls into question the judgment dated 29.09.2025 (**“impugned judgment”**) passed by the Islamabad High Court. By the impugned judgment, the Islamabad High Court allowed the writ petition filed by respondent No. 1, Arshia Kanwal (**“respondent”**), and dismissed the writ petition filed by the petitioner.

2. The brief facts are that the respondent is the nominee and legal beneficiary of late Muhammad Waqas Anjum, who, on 05.03.2019, obtained a Takaful Plan bearing No. CL-201900948966 from the petitioner. The plan was acquired on the basis of a regular contribution for three years, with a membership term of five years, providing a death cover of Rs. 38,50,000/- against payment of an annual contribution of Rs. 11,639/-. Unfortunately, Muhammad Waqas Anjum passed away on 08.05.2019, only a few days after commencement of the policy. The death intimation was conveyed to the petitioner through email by Muhammad Khalid, the stepfather of the respondent. The claim lodged by the respondent was, however, denied by the petitioner vide letter dated 01.10.2021 on the following grounds: (i) that the nominee, Ms. Arshia Kanwal, though nominated, was not the real sister of the deceased; (ii) that the requisite medical record regarding the admission of the deceased at

DHQ Hospital, Mandi Bahauddin, had not been provided; and (iii) that the deceased was allegedly a drug addict.

3. Aggrieved by the non-settlement of her claim, the respondent filed a complaint dated 08.10.2019 before the Federal Insurance Ombudsman against the petitioner, alleging failure to honour the Takaful claim arising from the death of her brother. The said complaint, bearing No. 1733 of 2019, was allowed by the Federal Insurance Ombudsman vide order dated 06.06.2022, whereby the petitioner was directed, in terms of Section 130(1) of the Insurance Ordinance 2000 (**“Ordinance”**), to pay the claim amount to the nominee, Ms. Arshia Kanwal, within thirty days. The Ombudsman further held that the petitioner had inordinately delayed payment without any lawful justification and was, therefore, liable to pay liquidated damages to the complainant under Section 118(2) of the Ordinance. It was also observed that the petitioner had wilfully violated the law, and accordingly, the matter was ordered to be referred to the Securities and Exchange Commission of Pakistan (SECP) for necessary legal and disciplinary action under Section 156 of the Ordinance, read with Section 9(4) of the Federal Ombudsman Institutional Reforms Act 2013. The review application filed by the petitioner was dismissed vide order dated 20.07.2023. The representation subsequently filed before the President’s Secretariat was also rejected vide order dated 28.11.2023.

4. Thereafter, the respondent filed a writ petition seeking issuance of directions for implementation of the order dated 06.06.2022 passed by the Federal Insurance Ombudsman, including payment of the insurance claim amounting to Rs. 38,50,000/- along with liquidated damages. Further directions were sought for SECP to initiate disciplinary proceedings under Section 156 of the Ordinance against the petitioner, for non-compliance with the Ombudsman’s order within the statutory period. Simultaneously, the petitioner also filed a writ petition assailing the order dated 06.06.2022 passed by the Federal Insurance Ombudsman in Complaint No. 1733 of 2019, the order dated 20.07.2023 passed in Review Petition No. 4 of 2022, and the order dated 28.11.2023 passed by the President’s Secretariat dismissing its representation. By the impugned judgment, the writ petition filed by the respondent was allowed, whereas the writ petition filed by the petitioner was dismissed by the Islamabad High Court.

5. Learned counsel for the petitioner contends that the claim was lawfully rejected on account of concealment of material facts by the policyholder at the time of obtaining the Takaful coverage. It is argued that the deceased failed to disclose his true state of health, which, according to the insurer, went to the root of the contract and vitiated the principle of utmost good faith governing insurance transactions. On this premise, it is asserted that the nominee, despite being recorded as beneficiary, does not acquire an independent or absolute right to the claim, as her entitlement remains contingent upon the validity of the underlying contract. Learned counsel further submits that the alleged concealment of the deceased's health condition raises a serious question regarding the maintainability of the claim and justifies its rejection.

6. We have heard the arguments and perused the record.

7. The record reflects that the deceased, Muhammad Waqas Anjum, obtained a life insurance policy from the petitioner under Policy No. CL-201900948966, providing a death cover of Rs. 38,50,000/-. His demise on 08.05.2019 is an admitted fact. Respondent Arshia Kanwal is the sole nominee duly recorded in the policy documents and, as such, is entitled to receive the insured amount. Notwithstanding the above, the petitioner declined her claim through letter dated 01.10.2021. However, no independent or contemporaneous documentary evidence was placed on record to substantiate the grounds on which the claim was rejected. These aspects were examined in detail and rightly decided by the Federal Insurance Ombudsman while deciding Complaint No. 1733 of 2019 on 06.06.2022.

8. It was never disputed that the deceased died on 08.05.2019, admittedly within days of the issuance of the policy, nor was the fact of the respondent being the deceased's nominee ever denied. The principal objection raised by the petitioner was that intimation of death was not made immediately. This ground, by itself, is insufficient to justify rejection of the claim. Likewise, the allegation that the deceased was a drug addict remained wholly unsubstantiated, as no medical record was produced to establish that his death was attributable to addiction. Even the investigation report annexed with W.P. No. 2692 of 2024 does not disclose any material indicating misrepresentation or concealment at the time of obtaining the policy.

10. In view of the above, we do not take any exception to the impugned judgment of the Islamabad High Court. Consequently, leave is refused and the petition is dismissed.

Judge

Judge

**Islamabad:**  
26.01.2026  
(Hassan Riaz)