



Insurance coverage forfeited in case of wilful deceit about the circumstances of an accident - Insurance Law

Insurance coverage forfeited in case of wilful deceit about the circumstances of an accident - Insurance Law

GRP Rainer Lawyers and Tax Advisors in Cologne, Berlin, Bonn, Bremen, Dusseldorf, Essen, Frankfurt, Hamburg, Hanover, Munich, Nuremberg, Stuttgart and London - www.grprainer.com/en conclude: In its final judgment of June 6, 2013, The Superior Court [Oberlandesgericht / OLG] of Karlsruhe (File number: 12 U 204/12) decided that an insured is not entitled to insurance coverage if he has explained the facts by means of wilful deceit. According to the OLG, this applies even if there would have been insurance coverage if the true facts had been known.

In the present case, the insured told his hunting liability insurance company that he had been leading his hounds on a leash and that the dogs had pulled down the injured person when they had lunged forward after a roe deer. He also claimed this in his action seeking liability coverage. However, in the hearing before the Regional Court [Landgericht] he admitted that he had handed the dogs over without leashes to the injured person before the chase, and that he had not been present himself during the accident. The Regional Court had allowed the action since this breach of obligation, even if it had been deliberate, would not have constituted a disadvantage to the insurance carrier.

The carrier of the hunting liability insurance appealed this ruling, and the OLG dismissed the action. The court stated that the insurance company had been released from its obligation since there had been a case of wilful and deliberate deceit in covering up the true cause of the accident. This also applied in case of a breach of obligation without consequence, since a general threat to the interests of the insurance carrier could not be ruled out, and because there had been considerable culpability on account of the policy holder. In the court's opinion, it was quite possible to apply a different legal evaluation to the facts in terms of liability.

Since the plaintiff had acted deceitfully, he did not deserve the protection offered by the obligation to instruct him, and that it was therefore irrelevant whether he had been instructed about the loss of insurance coverage in case of deliberately false information.

In any case, it had been the deceitful act which cost the plaintiff the insurance coverage in the end.

In cases involving insurance law, early support by an experienced lawyer can be helpful. Even when policy holders make first inquiries about an insurance claim, the right decisions must be made to assert justified claims. This is how mistakes can be avoided, deadlines can be kept and the right proceedings can be followed in registering claims.

<http://www.grprainer.com/en/Insurance-Law.html>

Pressekontakt

GRP Rainer LLP Lawyers Tax Advisors

Herr Michael Rainer
Hohenzollernring 21-23
50672 Cologne

grprainer.com/en
press@grprainer.com

Firmenkontakt

GRP Rainer LLP Lawyers Tax Advisors

Herr Michael Rainer
Hohenzollernring 21-23
50672 Cologne

grprainer.com/en
press@grprainer.com

GRP Rainer LLP www.grprainer.com/en/ is an international firm of lawyers and tax advisors who are specialists in commercial law. The firm counsels commercial and industrial companies and corporations, as well as associations, small- and mid-sized businesses, self-employed freelancers and private individuals worldwide from offices Cologne, Berlin, Bonn, Dusseldorf, Frankfurt, Hamburg, Munich, Stuttgart, Bremen, Nuremberg and London UK.

Anlage: Bild

