

(1994) 10 NCDRC CK 0034

In the National Consumer Disputes Redressal Commission

BHOPAL GELATINES (P) LTD.

APPELLANT

Vs

Oriental Insurance Co. Ltd.

RESPONDENT

Date of Decision : 03-10-1994

Acts Referred:

Citation : 1995 1 CPR 60 : 1995 2 CPJ 204

Hon'ble Judges : G.G.Sohani , Ptesideni , M.L.Tiwari J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order dated 20.11.1993 passed by the District Consumer Disputes Redressal Forum, Bhopal in Consumer Case No. 154/93.

2. THE complainant/appellant had insured its computer with the Opponent for the period from 14.2.1991 to 13.2.1992. THE Complainant alleged mat during that period, on 24.3.1991, the Mother Board, Floppy Drive and Hard Disk of the insured computer were damaged and the computer had stopped functioning. THE complainant therefore, lodged a claim with the opponent along with an estimate of loss. As the opponent failed to settle the claim, the complainant filed a complaint before the District Forum claiming a sum of Rs. 33,930/- towards repairs, compensation and interest. THE claim was resisted by the opponent inter alia on the ground that when the opponent appointed an Investigator to look into the claim lodged by the complainant, the Investigator reported that false, fictitious and forged vouchers were submitted by the complainant. THE opponent contended mat the complainant had tried to defraud the opponent by riling false, fictitious and forged vouchers and in view of clause (8) of the insurance policy the opponent was not liable to pay any amount to the complainant. THE District Forum held that in view of the allegations of fraud and cheating made in the case, the proper remedy for the complainant was to get the matter decided through a Civil Court. In this view of the matter, the complaint was dismissed. Aggrieved by this order passed by the District Forum the complainant has filed this appeal. Learned Counsel for the appellant contended that mere was

absolutely no evidence that the vouchers produced by the complainant were false or fictitious and that remedy available to the complainant under the Consumer Protection Act, 1986 was not barred. It is true that the Consumer Forum has jurisdiction to enquire into the question as to, whether the repudiation of a claim by the insurer is or is not justified. But in view of the reasons advanced by the opponent for repudiating the claim of the complainant that forged and false documents were produced by the complainant in support of the claim, and in view of the affidavits filed by the opponent in support of the allegations made by it, elaborate evidence would be necessary to decide the issues raised by the opponent. It has been held by the National Commission in 1993 Vol. I CPJ 88 that where complicated questions of fraud and cheating are raised then the machinery under the Consumer Protection Act, cannot be effectively utilised for determining such complicated questions. In this view of the matter, the District Forum in our opinion was right in holding that the complainant should seek redress in a Civil Court. No case for any interference in appeal has been made out. The appeal therefore fails and is accordingly dismissed. In the circumstances of the case, parties shall bear their own costs of this appeal. Appeal dismissed.