
(1991) 11 NCDRC CK 0028

In the National Consumer Disputes Redressal Commission

BURJOR B. MEHTA

APPELLANT

Vs

National Insurance Co. Ltd.

RESPONDENT

Date of Decision : 12-11-1991

Acts Referred:

Citation : 1992 0 CPC 306 : 1992 1 CPJ 40

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , B.S.Yadav J.

Final Decision : Appeal dismissed

Judgement

1. WE are in agreement with the view taken by the State Commission that the complaint petition filed by the petitioner was clearly time barred and that hence the petitioner is not entitled to any relief.

2. SHORTLY stated the complaint before the State Commission was that the respondent Insurance Company had failed to settle the claim of the complaint in relation to a policy of the Motor Insurance dated 28.12.1979 which provided cover with effect from 14th December, 1979. There was an accident to the complainant's motor vehicle (Bus) on 18.12.1979. The complaint filed before the State Commission in 1990 in respect of a loss which took place in December, 1979 was manifestly time barred. Under the law of Limitation such claims have to be preferred within three years from the date of the occurrence of the cause of action or where there has been a repudiation of liability by the insurer, from the date of such repudiation. We have no hesitation in upholding the view expressed by the State Commission that the complaint petition was liable to be dismissed as barred by limitation. This appeal is accordingly dismissed. There will be no direction regarding costs. Appeal dismissed.