

(2005) 12 NCDRC CK 0002

In the National Consumer Disputes Redressal Commission

Chandra Jyoti Prakashan Pvt Ltd

APPELLANT

Vs

NEW INDIA ASSURANCE CO LTD

RESPONDENT

Date of Decision : 05-12-2005

Acts Referred:

Citation : 2006 4 CPJ 90

Hon'ble Judges : J.D.KAPOOR , RUMNITA MITTAL J.

Judgement

1. APPELLANT took an insurance policy from the respondent known as Office Protection Shield and was thus insured for all the risks on account of theft, damage, etc. On account of loss of Rs. 1,55,700 by way of theft and burglary including the cash of Rs. 63,000 the District Forum vide impugned order dated 12th April, 2003 directed the respondent only to indemnify the loss of Rs. 22,000 along with interest @ 12% and Rs. 2,000 as cost and compensation.

2. FEELING dissatisfied with the amount of compensation the appellant has directed this appeal. As per terms of the policy the respondent was liable to replace or to pay the value of the articles stolen from the office of the appellant and since the theft of cash amounting to Rs. 63,000 took place in the night hours which was beyond the business hours the said claim was rightly repudiated by the respondent and rightly repelled by the District Forum.

3. AS regards the price of other articles namely laser printers, the cost was assessed by the District Forum at Rs. 22,000 on the premise that the rates of laser printers had also drastically reduced and such new printers are available at Rs. 25,000 to Rs. 35,000. On the face of it the view taken by the District Forum in this regard was erroneous, as the value should have been assessed at the relevant time and subsequent circumstance of either increase or decrease in price could not have been taken into account.

4. IN the result, we partly allow the appeal by enhancing the amount of the laser printer to Rs. 25,000 and maintain the rest of the order. Appeal is disposed of in above terms.

5. BANK Guarantee/FDR, if any, furnished by the appellant be returned forthwith.
6. A copy of this order as per the statutory requirements, be forwarded to the parties free of charge and also to the concerned District Forum and thereafter the file be consigned to Record Room. Appeal partly allowed.