

(2002) 07 NCDRC CK 0069

In the National Consumer Disputes Redressal Commission

GIRDHARI LAL KEDIA

APPELLANT

Vs

REGIONAL MANAGER, NATIONAL INSURANCE CO. LTD.

RESPONDENT

Date of Decision : 05-07-2002

Acts Referred:

Citation : 2003 1 CPJ 436

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna , Rachna J.

Final Decision : Revision dismissed

Judgement

1. THIS revision is directed against the judgment and order dated 26.2.2002 passed by District Consumer Forum, Ghazipur in Complaint Case No. 77/2000.

2. THE brief facts of the case are that the complainant Sri Girdhari Lal Kedia lodged a claim for recovery of Rs. 5,00,000/- alongwith interest @ 18% per annum from the date of insurance claim till the date of filing of complaint. The opposite party before the District Consumer Forum admitted the fact of the insurance but did not admit the fact of the accident. It was alleged by the opposite party that the District Forum had no pecuniary jurisdiction to entertain and decide the complaint.

The District Consumer Forum heard the preliminary objection first and came to the conclusion that since the claim for recovery of Rs. 5,00,000/- has been lodged alongwith the interest @ 18% from the date of making claim before the Insurance Company, therefore, the complaint was beyond the pecuniary jurisdiction of the District Consumer Forum, hence the District Consumer Forum dismissed the complaint.

3. AGGRIEVED of this order, this revision has been filed by the complainant. None was present on behalf of the revisionist although the revisionist had the knowledge of the date fixed for today and in the memo of revision signature of the learned Counsel for the revisionist also appears acknowledging the date of hearing.

4. WE have heard the learned Counsel for the opposite party and have gone

through the judgment and order passed by the learned District Forum. The complainant has lodged a claim before the Forum for recovery of Rs. 5,00,000/- alongwith interest @ 18% from the date of filing of the claim before the Insurance Company. The Forum has no pecuniary jurisdiction to decide a complaint in which the amount involved is more than Rs. 5,00,000/-. In this case, the complainant has lodged the claim for recovery of Rs. 5,00,000/- alongwith interest. It would have been a different matter if the complainant had asked for interest from the date of lodging of claim before the District Consumer Forum but the interest has been claimed from the retrospective date when the claim was preferred before the Insurance Company for settlement. In the circumstances, there is no reason to interfere with the judgment and order of the District Forum and the same is liable to be confirmed and the revision is liable to be dismissed. However, it will be open for the revisionist to file a claim before the appropriate Forum. ORDER The revision is dismissed and the judgment and order of the District Consumer Forum are confirmed. There will be no order as to cost. Let copy of this order be made available to the parties as per rules. Revision dismissed.