

(1992) 09 NCDRC CK 0011

In the National Consumer Disputes Redressal Commission

INDIA ASSURANCE CO. LTD.

APPELLANT

Vs

MAJOR, T.B.S. THAPAR

RESPONDENT

Date of Decision : 14-09-1992

Acts Referred:

Citation : 1992 3 CPJ 375

Hon'ble Judges : R.N.Mittal , B.L.Anand , Avtar Pennathur J.

Final Decision : Appeal dismissed

Judgement

1. THE appeal is against the order of the District Forum dated 24th February, 1992 in Complaint No. 2141/90. THE appellant has been directed, vide this order, to pay a sum of Rs. 32,300/- being the cost of Jewellery and personal baggage and Rs. 5,000/- as compensation to the respondent

2. BRIEFLY the facts are that the appellant issued a House Holder Policy No. 7539600333 to the respondent/complainant valid from 28-10-87 to 27-10-88 for various risks including loss on account of theft On 20th February, 1988, a suitcase containing clothes, jewellery, cash etc. along with the registration book of the car and the driving licence of respondent No. 1 was stolen from Car No. DIB 7441 parked near "J" Block Market, Saket, New Delhi. The items shown in the Insurance Policy in the list Jewellery valued at Rs. 25,000/- were covered by a "All Risks Policy". The matter was reported by the respondents (Complainants in the District Forum) to the police in Malvia Nagar where a FIR was lodged and a case registered u/Sec. 379 IPC. The matter was reported to the Insurance Co., the appellant. The appellant appointed a Surveyor, Sh. J.C. Bhagat on 26-2-1988, who submitted his report on 18-11-1988. The claim of the respondent was rejected by the appellant Co. on the basis of the report of the Surveyor on 20-12-1989.

We have heard the arguments and perused the record. Shri J.K. Bhoia, learned Counsel for the appellant argued that the claim was false and fabricated as there were some contradictions in the statements of the two respondents and some of the facts could not be corroborated by the Surveyor after he contacted some

people in the neighbourhood of the respondents. Further he sought to agitate that even the Police had submitted a report as "untraced" in connection with the report of theft lodged with them by the respondents on the day of occurrence, which could not be taken as a conclusive proof of theft.

3. WE note with anguish that the appellant-Insurance Co. took one year and ten months to repudiate the claim of the respondent. The Surveyor took nine months to submit his report on 18-11-1988, after his appointment on 26-2-1988. The appellant-Company took thirteen months after the Surveyor submitted his report on 18-11- 1988 to repudiate the claim of the respondents on 20-12- 1989. It is established beyond on any iota of doubt that the services rendered by the appellant-Company were grossly deficient The appellant-Insurance Company has failed to take prompt action in the instant case, which they are expected to do in all such matters. We have duly considered the arguments advanced by the appellant. No credible explanation was offered as to why the appellant-Insurance Company failed to take immediate decision on receipt of the surveyors report on 18-11-1988, and why the matter was kept pending for more than i.e year. We find no material or legal infirmity in the impugned order of the learned District Forum. The appellant is directed to pay a sum of Rs. 32,300/- being the cost of jewellery and baggage and Rs. 5,000/- as compensation within a period of thirty days from the date of the order. No order as to costs. Appeal dismissed.