

(2003) 12 NCDRC CK 0017

In the National Consumer Disputes Redressal Commission

K.A. RATHINAM

APPELLANT

Vs

BRANCH MANAGER, NATIONAL INSURANCE COMPANY

RESPONDENT

Date of Decision : 19-12-2003

Acts Referred:

Citation : 2004 1 CPJ 558

Hon'ble Judges : A.Raman , R.Vanaroja J.

Final Decision : Appeal allowed

Judgement

1. LEARNED Counsel for respondent submitted that since the matter has been disposed of by the District Forum, Madurai solely on the ground of arbitration clause without going into the merits of the case, the order of the District Forum be set aside and the matter be remitted back to the District Forum to consider the matter afresh and dispose of it on merits. Considering the submission made by the learned Counsel for the respondent, we deem it a fit case where the matter be remitted back to the District Forum, Madurai for fresh disposal according to law.

2. THEREFORE, the appeal is accordingly allowed setting aside the order passed by the District Forum, Madurai in O.P. No. 457/95 dated 18.12.1997. The matter is remanded back to the District Forum, Madurai for fresh disposal in accordance with law. The District Forum, Madurai, shall consider the matter afresh on merits and in the light of the conditions adumbrated in the policies which are the subject matter of the complaint and dispose of the same after giving both parties sufficient opportunity. The matter shall be disposed of within two months from the date of receipt of this order. We make it clear that the District Forum need not consider the question of arbitration, but it would advert only to the merits of the case. Appeal allowed.