
(2016) 09 NCDRC CK 0120

In the National Consumer Disputes Redressal Commission

Case No : 2696 of 2016

KAMLESHWAR PRASAD CHOUDHARY

APPELLANT

Vs

LIC OF INDIA & ORS.

RESPONDENT

Date of Decision : 26-09-2016

Acts Referred:

Citation : (2016) 09 NCDRC CK 0120

Hon'ble Judges : V.K. Jain

Advocate : Karan Dewan

Final Decision : Petition Disposed

Judgement

1. This revision petition is directed against the order of the State Commission dated 16.6.2016 whereby an appeal filed by the complainant/petitioner against the order of the District Forum dated 11.4.2016 was dismissed.

2. The complainant is the father of Mr. Rajesh Kumar who had taken an insurance policy from the respondent LIC of India. Admittedly, Shri Rajesh Kumar is still alive. The respondent in its reply filed before the District Forum took a preliminary objection that the complainant is not a consumer and cannot be treated as such on the basis of the Power of Attorney executed by Shri Rajesh Kumar in his favour. It was further stated in the written version that since the policy holder is alive, the complaint in the present form is not maintainable.

3. In my view, since the policy was taken by Shri Rajesh Kumar son of the complainant and he is alive, the complaint could not have been instituted by the petitioner Shri Kamleshwar Prasad Choudhary in his own name. If he was holding a Power of Attorney from Shri Rajesh Kumar in his favour, the complaint could be filed by him but in the name of Shri Rajesh Kumar and not in his own name. Even the affidavit by way of evidence can be filed by the complainant and not by the Attorney since, the Attorney cannot depose on the facts which are in the personal knowledge of the principal.

4. For the reasons stated hereinabove, I hold that the complaint is not

maintainable. Therefore, I am not inclined to interfere with the order passed by the Fora below. It is, however, made clear that Shri Rajesh Kumar did not file a complaint in his own name, he is not bound by the decisions rendered by the Fora below and consequently if he so advised, he can file complaint in his own name and supported by his personal affidavit. The revision petition stands disposed of accordingly.