
(1994) 08 NCDRC CK 0002

In the National Consumer Disputes Redressal Commission

KUNJESHWARI DEVI NAUTIYAL

APPELLANT

Vs

UNITED INSURANCE CO. LTD.

RESPONDENT

Date of Decision : 02-08-1994

Acts Referred:

Citation : 1994 0 NCDRC 171 : 1994 3 CPJ 129 : 1995 1 CPR 439 : 1995 2 CLT 392

Hon'ble Judges : V.BALAKRISHNA ERADI , Y.KRISHAN , B.S.YADAV J.

Advocate : DEVANAND MISRA , A.K.RAINA

Judgement

1. NOTWITHSTANDING the persuasive arguments advanced before us by Mr. Dev Anand Misra, learned Advocate appearing on behalf of the appellant, we see no reason to differ from the findings and the final conclusion recorded by the State Commission in its impugned order. The State Commission has given valid reasons in assessing the loss suffered by the complainant on account of the damage sustained by its building in an earthquake at Rs. 35,000/- and allowed interest on the said amount. We find nothing unreasonable in the said award made by the State Commission. This appeal is accordingly dismissed without any order as to costs. Mr. Y. Krishan, Member:"I agree. Before, however I part with the order, I would like to invite attention to the following observations contained in the order of the State Commission under challenge : "It is further not in dispute that the Opposite Party offered to pay Rs. 34,309.82 Ps. to the complainant by way of compensation for the claim in question and that the Opposite Party refused to accept this."

2. NOTWITHSTANDING this fact, the State Commission held the respondent-Insurance Company as liable to pay interest on the sum of Rs. 35,000A from 1st of August, 1992 at the rate of 12% per annum up to the date of actual payment of the amount. This was not correct as the respondent-Insurance Company had offered and was willing to pay the said amount. Since, however, the respondent-Insurance Company has not come in appeal, this benefit granted to the complainant by the State Commission would stand.