

(2008) 07 NCDRC CK 0017

In the National Consumer Disputes Redressal Commission

MITHILESH TIWARI

APPELLANT

Vs

NEW INDIA ASSURANCE COMPANY LTD

RESPONDENT

Date of Decision : 25-07-2008

Acts Referred:

Citation : 2008 3 CPJ 349

Hon'ble Judges : R.C.Jain , P.D.Shenoy J.

Advocate : B.Mohan , B.S.Sai , Nitin S.Tambwekar

Judgement

1. -AGGRIEVED by the order dated 18. 10. 2007 of the State Consumer Disputes Redressal Commission Madhya Pradesh, Bhopal (the State Commission) in appeal No. 2125 of 2006 dismissing the first appeal arising out of the order dated 20. 9. 2006 in C. C. No. 137/2003 of District Forum, Satna the complainant Mr. Mithilesh Tiwari has filed this revision petition before us.

2. THIS case has a chequered history. Case of the complainant is that he is a correspondent of Navbharat Times and Stringer of Doordarshan, Bhopal. He had purchased a mini T. V. camera with accessories from one Cheril Computers on 5. 4. 2002 for Rs. 1,80,500 and insured the same with the opposite party-New India Assurance Company Ltd. on 8. 4. 2002 for a period of one year. He had gone to Chitrakoot as per instructions of Doordarshan, Bhopal to cover the visit of the then Vice-President and during return journey by train on the intervening night of 25/26. 9. 2002, the insured items were stolen. Accordingly, the complainant had lodged an FIR with the Police Station G. R. P. Satna and also informed the Insurance Company to reimburse the sum assured. The Insurance Company had appointed a surveyor, who submitted a report stating that the purchase was fake, the policy was obtained by forging documents and the alleged theft had not taken place.

The complaint filed by Mr. Tiwari was allowed by the District Forum against which the Insurance Company had preferred an appeal before the State Commission, which was allowed and the case was remanded back to the District Forum. The District Forum after collecting further evidence had dismissed the complaint. The

State Commission after going through the entire record very carefully and after having considered the arguments advanced by the parties dismissed the appeal.

3. WE have heard the learned Advocates for the revision petitioner and the respondents. The Insurance Company has given the following reasons while repudiating the claim of the insured: 1. The camera and accessories model No. AG-EZ-30 which are stated to have been purchased from Chery Computers on 5. 4. 2002 for Rs. 1,80,500 in fact was never purchased. Only a bill was obtained fraudulently from Mr. S. K. Bansal. Further the value indicated in the said bill was very, very high and even serial No. and detail of accessories had not been mentioned. The cash payment of Rs. 1,80,500 is also not explained and proved.

2. The insured possess Electronics Equipment Policy which does not cover burglary during transit and hence the risk which has stated to have been caused loss, is not an insurable risk.

3. The whole story of theft of items during transit is cooked by the insured himself with an intention to have a fraudulent claim and it is not understandable when nobody has engaged him for coverage of news of visit of Hon"ble Vice-President on 24. 9. 2002 then when he had gone to Chitrakoot specially in the circumstances when he was not getting any remuneration for his professional work and was in highly financial crisis.

Let us analyse whether the repudiation of the claim by the Insurance Company was proper or not.

4. THE copy of the policy at page 181 indicates that the location covered was Satna or Chitrakoot whereas the loss has occurred during travel from Chitrakoot to Satna. Secondly, loss has occurred due to burglary during travel of the complainant by train from Chitrakoot to Satna hence, policy does not cover this risk. The complainant has claimed that he has paid cash of Rs. 1,80,500. As the amount above of Rs. 20,000 has to be paid by cheque for income tax purposes, why a huge sum of Rs. 1,85,000 was paid by cash, remains mystery. Thirdly, the complainant has not produced any authority letter from Doordarshan. The programme officer, Doordarshan in his letter dated 16. 10. 2001 had categorically stated that no stringer was employed in connection with the visit of the Vice-President of India on 25. 9. 2002. Neither Mithilesh Tiwari was the member of the team nor any member of the team had met Shri Tiwari during the tour. The District Forum has gone through the evidence in great detail and has dismissed the complaint. The State Commission after hearing the learned Counsel for the parties and going through entire record of the District Forum carefully has held that the complainant/appellant failed to dispel preponderance of evidence pertaining to suspicious transactions and has concurred with the findings of the District Forum. We do not see any merit in this revision petition. The order of the lower Fora does not suffer from any illegality, material irregularity or jurisdictional error. Accordingly this revision petition is dismissed. There shall be no order as to costs. Revision Petition dismissed.