

(1992) 01 NCDRC CK 0061

In the National Consumer Disputes Redressal Commission

National Insurance Co. Ltd.

APPELLANT

Vs

S.D. ARULNATHAN

RESPONDENT

Date of Decision : 07-01-1992

Acts Referred:

Citation : 1992 2 CPJ 359 : 1993 1 CLT 26 : 1993 1 CPR 549

Hon'ble Judges : V.Balakrishna Eradi , A.S.Vijayakar , Y.Krishan , B.S.Yadav J.

Final Decision : Appeal allowed

Judgement

1. AFTER hearing the learned Advocate for the Appellant and the respondent who appeared In Person, we have come to the conclusion that the Order passed by the State Commission is not sustainable. Since the parties are agreed that the matter may go before a panel of Arbitrators to be nominated in accordance with the Arbitration clause contained in the Insurance Policy, it is unnecessary for us to state the reasons as to why we are unable to sustain the Order passed by the State Commission. We direct the Appellant Insurance Company to pay to the Respondent the amount of Rs. 6,000/- which they have admitted to be due to the Respondent, within four weeks. The respondent will receive the said amount without prejudice to his rights to have the correct quantum of the amount payable to him under the policy of Insurance fixed by arbitration in accordance with the Arbitration Clause contained in the policy. The Insurance Company will within four weeks from today appoint as its arbitrator some one other than the person already named by it to adjudicate upon the claim. The Respondent will also nominate his Arbitrator within the same period and the two Arbitrators will jointly adjudicate the claim of the Respondent. In the event of any difference of opinion between the Arbitrators, the matter may be referred to an umpire jointly agreed upon by both sides. We expect that the Arbitrators will dispose of the matter in no more than two sittings. The Arbitrators will take into account also the expenditure incurred by the Respondent before the State Commission and also before this Commission.

2. THE Order passed by the State Commission is set aside and the Appeal is

allowed in the manner indicated above. Appeal allowed.