
(1997) 10 NCDRC CK 0013

In the National Consumer Disputes Redressal Commission

National Insurance Company Ltd.

APPELLANT

Vs

SOHAN LAL NEGI

RESPONDENT

Date of Decision : 24-10-1997

Acts Referred:

Citation : 1997 3 CPJ 376 : 1998 1 CPC 197 : 1998 1 CPR 164 : 1999 2 CLT 186

Hon'ble Judges : P.N.Nag , I.D.Bali , Krishana Tandon J.

Final Decision : Appeal dismissed

Judgement

1. THE District Forum has awarded to the complainant/ respondent (hereinafter to be referred to as the complainant) a sum of Rs. 1,24,000 /- as compensation for compensating him for the loss on account of accident of Maruti Van Taxi bearing No. HP-02-2907 on 28.3.1993 against the appellants/ opposite parties (hereinafter to be referred to as the Insurance Company) alongwith interest @ 12% per annum and costs of Rs. 2,000/-.

2. THERE is no dispute between the parties that there is an agreement between the parties for the payment of Rs. 1,24,000/- to the complainant, which the District Forum has awarded alongwith interest. However, it has been seriously disputed by the Insurance Company that an amount of Rs. 1,24,000/- was agreed to be paid to the complainant on return of salvage and the value of the salvage, according to them, is Rs. 15,000/- to Rs. 20,000/-. According to the complainant, he has agreed to Rs. 1,24,00/- without salvage. Mr. Vipin Negi, learned Counsel for the Insurance Company very strongly contends that the very fact that the amount of Rs. 1,24,000/- is to be paid to the complainant on total loss basis, clearly implies that the amount was to be paid on the condition that the salvage will be returned to the Insurance Company by the complainant or in the alternative, that amount should be deducted from the amount awarded by the District Forum.

We have given very serious consideration to the submission made by Mr. Vipin Negi, learned Counsel for the Insurance Company. We regret we are unable to accept such a contention. There is no material or document on record to show

that the complainant has agreed to Rs. 1,24,000/- without salvage on total loss basis. The District Forum has enumerated various circumstances on the basis of which the complainant should not be called upon to return the salvage with which we are in agreement. Incidentally, we may notice that the vehicle is insured for Rs. 1,71,000/- and the vehicle met with an accident, admittedly, after three months. In these circumstances even if depreciation is to be taken into consideration, it would not be unreasonable to hold that the amount of Rs. 1,24,000/- awarded by the District Forum is either way excessive or unreasonable. No interference is called for in the order of the District Forum.

3. THERE is no force in this appeal and the appeal is accordingly dismissed. Appeal dismissed.