
(2003) 05 NCDRC CK 0057

In the National Consumer Disputes Redressal Commission

New India Assurance Co. Ltd.

APPELLANT

Vs

BACHAN SINGH RANA

RESPONDENT

Date of Decision : 05-05-2003

Acts Referred:

Citation : 2003 3 CPJ 204

Hon'ble Judges : K.D.Shahi , Surendra Kumar , Luxmi Singh J.

Final Decision : Appeal allowed

Judgement

1. THIS is an appeal by the Insurance Company against the order of the District Forum whereby the claim of the complainant for a sum of Rs. 8,000/- was allowed for the death of his buffalo which was insured.

2. IT is alleged that there was a flood in the river and the buffalo of the complainant was washed away. He sent the information to the Insurance Company, who repudiated the claim. Then, the complainant filed the claim petition before the Forum. IT was contended by the Insurance Company that the buffalo of the complainant was never washed away and never died. The claim was totally false. We have heard the Counsel for the Insurance Company. The complainant did not appear. The learned Forum appears to have been swayed on the statement of several persons of the village of the complainant. But, it did not care to go in statement of the Block Development Officer (B.D.O.). He has specifically pleaded that the entire claim is false and baseless and a number of persons wanted to take benefit of the flood. He has specifically said that his statement was taken by force when he stated that the buffalo of the claimant washed away and was dead. But, when he came into Court, he specifically stated that the claim of the complainant was false. If a senior officer like B.D.O. can be forced to give false statement, the villagers will definitely give such a statement particularly when a number of persons of the village have lodged false claim to get benefit of the flood. All such claimants must support each other. In view of the above, it is doubtful that there was any death of the animal of the complainant and, therefore, his claim should have been rejected. ORDER The

appeal is allowed. The judgment and order dated 21.12.2000 is hereby set aside. The claim petition of the claimant is rejected. Cost of the proceedings shall be easy. Appeal allowed.