
(2006) 02 NCDRC CK 0001

In the National Consumer Disputes Redressal Commission

NEW INDIA ASSURANCE CO. LTD.

APPELLANT

Vs

Bhudi Singh Parmar

RESPONDENT

Date of Decision : 22-02-2006

Acts Referred:

Citation : 2006 3 UC 1876

Hon'ble Judges : K.S.GUPTA J.

Final Decision : Petition dismissed

Judgement

1. MR . Justice K.S. Gupta, Presiding Member -Petitioner was opposite party No. 2. Respondent No. 1/complainant took loan of Rs. 1,50,000 from respondent No. 2/opposite party No. 1 for construction of house sometime in September, 1998. Under the terms of loan the respondent No. 1 got the house insured with the petitioner through the Bank for Rs. 2 lacs from 1998 to 2005 also covering the risk of subsidence of soil and land slide. It was alleged that in the night of 10.8.2002 there was heavy rain and cracks developed in the walls of three rooms and varanda due to subsidence. Petitioner was intimated of the damage to the house on 12.8.2002, By the letter dated 22.11.2002 the petitioner repudiated the claim. Thereafter, respondent No. 1 filed complaint seeking certain reliefs which was contested by the petitioner. Bhupendra Singh, Surveyor appointed by Insurance Company acting on the opinion of Vipin Kumar (Civil Engineer) at Haridwar recommended payment of Rs. 2,537 towards damage to the insured house. D.G. Gaur, Diploma Engineer (Civil) appointed by respondent No. 1 in his estimate assessed the damage to the house at Rs. 1,06,000. On the basis of report of said Surveyor, the District Forum directed the petitioner to pay a sum of Rs. 2,537 to respondent No. 1. In appeal against District Forum's order by respondent No. 1 the State Commission enhanced the compensation to Rs. 1,06,000 based on the report of D.C. Gaur. It is this order which is being challenged by the Insurance Company in this revision.

2. SUBMISSION advanced by Mr. G.L. Chawla for petitioner was that ignoring the report of Bhupender Singh, Surveyor the State Commission ought not to have

awarded amount of Rs. 1,06,000 towards damage to the house. Order of State Commission would show that the said Surveyor's report was based on the opinion of Vipin Gupta, Civil Engineer who never visited the damaged house. Having considered the extent of damage and repair work to be carried to restore the house as reflected in the estimate prepared by said D.C. Gaur, we are of the view that State Commission had rightly awarded the said amount ignoring the report of Surveyor and relying on the report of Mr. Gaur. There is no illegality or jurisdictional error in the order passed by State Commission warranting interference in revisional jurisdiction under Section 21(b) of Consumer Protection Act, 1986. Revision petition is, therefore, dismissed.