
(2002) 09 NCDRC CK 0023

In the National Consumer Disputes Redressal Commission

New India Assurance Co. Ltd.

APPELLANT

Vs

DINESH BHATIA

RESPONDENT

Date of Decision : 26-09-2002

Acts Referred:

Citation : 2002 3 CPJ 358 : 2003 1 CPC 318

Hon'ble Judges : D.P.Wadhwa , J.K.Mehra , B.K.Taimni J.

Final Decision : Revision Petition allowed

Judgement

1. IT is the petitioner Insurance Company which is aggrieved by the order of the State Commission upholding that of the District Forum by which order District Forum had allowed the complaint of the respondent-complainant and had directed the petitioner to pay a sum of Rs. 45,858/- with interest @ 12% interest in respect of the insurance claim under the policy taken by the complainant. State Commission, however, reduced the rate of interest from 12% to 10%.

2. VEHICLE of the complainant met with an accident. Claim was repudiated by the Insurance Company on the ground that the driver was not having any valid driving licence. Both the District Forum and State Commission relied upon the endorsement on the driving licence which was valid. The question that is raised before us is the driving licence was itself a valid piece of document. It is pointed out that the RTO, Cuttack had certified that the driving licence was a fake document. It was, therefore, submitted that no amount of valid endorsement will validate the fake driving licence. Reliance has been placed on the decision of the Supreme Court in the case of New India Assurance Co., Shimla v. Kamla & Ors., III (2001) SLT 150=I (2002) ACC 346 (SC)=(2001) 4 SCC 342. In para 5 of the order of the District Forum it was recorded that the licence had been renewed by the Licensing Authority at Gurgaon. It was, however, noticed that the Licensing Authority at Cuttack had intimated to the Insurance Company that no such licence had been issued from its office. District Forum did not accept this report of the Licensing Authority, Cuttack on the ground that no such report had been obtained from the Licensing Authority, Cuttack.

It was contended by the learned Counsel for the complainant-respondent that the original licence was itself a valid document. We gave an opportunity to the complainant to lead evidence by means of affidavit in this respect and drew his attention to para 5 of the District Forum's order. Till today nothing has been done and only a request of adjournment is being made. This request for adjournment is declined as there is no basis to grant any further time.

3. IN view of the judgment of the Supreme Court in the case of New India Assurance Co., Shimla v. Kamla & Ors. (supra), this revision petition is allowed, orders of the District Forum and the State Commission are set aside and the complaint is dismissed. Revision Petition allowed.