(2006) 03 NCDRC CK 0084

In the National Consumer Disputes Redressal Commission

New India Assurance Co. Ltd. APPELLANT

Vs

MURTI ENTERPRISES RESPONDENT

Date of Decision : 08-03-2006

Acts Referred:

Citation : 2006 3 CPJ 112

Hon'ble Judges : Rajyalakshmi Rao J.

Final Decision : Revision Petition dismissed

Judgement

1. THIS revision petition is filed by the New India Assurance Co. Ltd. against the order dated 7.11.2005 in Appeal No. A-323/05 passed by the State Commission, Delhi whereby petitioner was directed to pay a sum of Rs. 2,36,450 with a compensation of Rs. 10,000 and costs of Rs. 5,000.

2. BRIEF facts of the case are that the respondent, M/s. Maruti Enterprises obtained an insurance policy for a total sum of Rs. 45 lakh for the articles manufactured by them and paid a sum of Rs. 9,880 as premium for the period from 18.8.2000 to 17.8.2001 covering the risk for burglary and theft. On the night intervening 22/23.1.2001 a burglary took place in the premises of the respondent. FIR was filed and claim was lodged for Rs. 2,36,450. Police investigated the matter and investigation revealed that the locks were not broken and the culprits had entered most likely from the roof and removed the goods. The petitioner repudiated the claim on the ground that no forcible entry was proved and further that adequate precautions were not taken.

Both the Fora below in the orders given elaborately discussed the issue of forcible entry and came to the conclusion that this act of burglary/theft is deemed to be forcible entry as it has been done without the permission of the respondent and that too in locked premises. It is also noted that there is admission of involvement in theft by two persons in police inquiry and some material was also recovered from them. Although all clarifications required by the Surveyor were replied but the petitioner repudiated the claim. It is not the case of the petitioner that the respondent fraudulently made a claim. In light of the fact that the respondent has taken this policy for a period of 18 years; that the amount insured is Rs. 45 lakh and the respondent is claiming a small amount of Rs. 2,36,450 does not cause any doubt in mind that the respondents are seeking undue enrichment by filing false complaint. We agree with the reasoned order passed by State Commission.

3. IN view of the above discussion it cannot be said that there is any illegality or jurisdictional error in the order passed by the State Commission warranting interference under Section 21(b) of the C.P. Act. Hence, the revision petition is dismissed. Revision Petition dismissed.

