

(2012) 08 NCDRC CK 0014

In the National Consumer Disputes Redressal Commission

ORIENTAL INSURANCE COMPANY LIMITED

APPELLANT

Vs

K. Narasimha Reddy

RESPONDENT

Date of Decision : 03-08-2012

Acts Referred:

Citation : 2012 0 NCDRC 855 : 2013 1 CPJ 20

Hon'ble Judges : J.M.MALIK , VINAY KUMAR J.

Final Decision : Revision Petition dismissed

Judgement

1. WHERE in an accident, the driver died and his licence is burnt, whether it would be appropriate for the insurance company to repudiate the claim made by the owner of the vehicle on the ground that the driving licence was not produced before it.

2. THE facts of the case in hand are these. K. Narasimha Reddy got his 10 wheeler vehicle having National Permit for Rs.10 lakh with the petitioner-Oriental Insurance Company Limited covering a period from 13.10.2007 to 12.10.2008. The said vehicle met with an accident when the truck driver driving the vehicle rashly and negligently on 3.7.2008. The truck came from opposite direction collided and dashed against the complainant's vehicle due to which the complainant's vehicle caught fire. The driver of the complainant's vehicle, who was driving the vehicle died on spot instantaneously. The truck driver was arrested for offences under Sections 304A, 337 and 338 IPC. The insurance company repudiated the claim made by the respondent on the ground that the driving licence of the truck was not produced. The complainant filed a complaint with the District Forum with the prayer that he should be granted Rs.10 lakh the amount of the policy; Rs. 5 lakh towards loss of income and Rs. 1 lakh for mental agony and Rs.5,000/- towards costs.

3. THE main plea set up by the petitioner was that the claim made by the complainant that the driving licence of the driver was burnt, was false. The complainant had failed to prove that the driver was having a valid driving licence at the time of the accident.

4. LEARNED counsel for the petitioner opined that it was the duty of the owner of the vehicle to keep a photocopy of the licence of his driver. The owner could have obtained a duplicate copy and submit it in order to claim the amount. This is indeed a side show not the heart of the problem. Ex. B 3 is most important, single determinant of this knotty problem. The report of Surveyor, Shri Venkateshwarlu Pinniti appointed by the petitioner-company, carries infinite importance. The report of surveyor was on record as Ex. B-3. It specifically and unequivocally mentioned "driver died on the seat and burnt out with all records inclusive of his licence. " He also confirms that driver Mallikarjun was second driver on the seat whereas Srinivasulu was the first driver. He came to the conclusion that the total loss amounted to Rs. 10,51,555/-. Ex. B3, the document of utmost importance has substance, it can do without frills.

5. THE State Commission rightly observed that there is no mandatory requirement that the owner should have a photocopy of the driving licence when the vehicle was entrusted to the driver. The matter came to an end when the Surveyor reported that the licence of the driver was also burnt. Nothing else remained to be proved in this case.

6. THERE is a delay of 24 days, it is explained that due to office procedural delay, it could not be filed on time. This is not a sufficient ground. The revision petition deserves dismissal on this ground as well. In the result, the revision petition is hereby dismissed. Revision Petition dismissed.