
(2004) 12 NCDRC CK 0008

In the National Consumer Disputes Redressal Commission

ORIENTAL INSURANCE Company Limited	APPELLANT
Vs	
VIJAI LAXMI	RESPONDENT

Date of Decision : 14-12-2004

Acts Referred:

Citation : 2005 2 CPJ 82

Hon'ble Judges : Palok Basu , Vinod Shankar Chaubey J.

Final Decision : Appeal allowed

Judgement

1. MR. Hari Prasad Srivastava, learned Counsel for the appellant and MR. R.K. Gupta, learned Counsel for the opposite party/complainant have been heard. The entire record has been perused. Admittedly the vehicle Bus No. DEP-4824 was damaged and required repairs. The complainant claimed that he is entitled to get the entire cost but the District Forum has found that totalling the Annexures 11, 12, 13, 14, 15, 16, 21 and 22 and keeping the labour charges in view, a total sum of Rs. 55,000/- should be paid by the appellant.

2. AGGRIEVED the instant appeal has been preferred. Mr. R.K. Gupta contended strongly that the orders should not be interfered with. Mr. H.P. Srivastava, however, relied upon the report submitted by the Surveyor and he also drew attention to the fact that the said vehicle was 1982 model, therefore, even from the cost held payable by the District Forum 50% discount should be available. According to him a total amount of Rs. 21,265/- is payable. Mr. Gupta contended that deduction is not permissible in the case of damages and repairs.

Taking an overall view of the entire situation, it will be enough if a sum of Rs. 30,000/- is paid to the complainant. It may be pointed out that by the interim order dated 15.1.1996 a sum of Rs. 15,105/- has already been paid to the complainant. Rs. 2,000/- has already been paid towards token compensation.

3. IF the appellant pays a sum of Rs. 13,000/- within two months it will be complete satisfaction of the decree passed by the District Forum. No further amount shall be payable by the appellant. The appeal stands allowed to that

extent and thus finally disposed of. Let copy of this order be made available to the parties as per rules. Appeal allowed.