

(2000) 04 NCDRC CK 0024

In the National Consumer Disputes Redressal Commission

PEERLESS GENERAL FINANCE And INVESTMENT CO.

APPELLANT

Vs

Mariamamma

RESPONDENT

Date of Decision : 26-04-2000

Acts Referred:

Citation : 2000 3 CPJ 242

Hon'ble Judges : J.R.Chopra , Ratan Prakash J.

Final Decision : Appeal dismissed

Judgement

1. THIS appeal is directed against the order of the learned District Forum, Dholpur dated 29.6.1993 whereby the complainant Smt. Mariamma took an insurance policy of Rs. 10,000/-. It was for a period of 15 years and after 5 years she was to be paid Rs. 1,500/- as intermediate payment. In this case the policy was taken on 28.3.1982 and, therefore, on 28.3.1987 Rs. 1,500/- were to be paid. But instead of 28.3.1987 it is alleged by the complainant that the payment of Rs. 1,500/- has been made to her in June, 1992. The learned Counsel appearing for the appellant has submitted that actually the cheque was delivered to the complainant in 1987. No proof has been produced that any cheque was delivered to the complainant on 28.3.1987 and, therefore, this stand taken by the learned Counsel for the appellant does not stand scrutiny. The learned District Forum, therefore, was right in awarding interest @ 12% on this amount from 28.3.1987 to June, 1992.

2. IT was next contended by Miss Laxmi Yadav that if the policy is dropped in between then only 90% of the amount which has been deposited is payable. IT is an admitted case of the appellant that Rs. 2,700/- were deposited by us. 90% on this amount comes to Rs. 2,400/-. The learned District Forum has ordered for the payment of Rs. 945/- to the complainant out of the deposited amount. IT only exceeds the 90% amount by Rs. 15/-. The Forum has further allowed to the complainant a sum of Rs. 300/- as costs of litigation. Thus this order in the facts and circumstances does not appear to be unreasonable and accordingly the appeal is hereby dismissed with no order as to costs. Appeal dismissed.