

(2016) 12 NCDRC CK 0061

In the National Consumer Disputes Redressal Commission

Case No : 3808 of 2012

PRADEEP SHARMA Vs BAJAJ ALLIANZ GENERAL INSURANCE CO. & ANR.

Date of Decision : 20-12-2016

Acts Referred:

Citation : 2017 1 CPR 259

Hon'ble Judges : K.S. Chaudhari

Advocate : RITESH KHARE, Suman Bagga

Judgement

1. This revision petition has been filed by the petitioner against the order dated 22.06.2012 passed by the M.P. State Consumer Disputes Redressal Commission, Bhopal (in short, "the State Commission") in Appeal No. 2706/07 - Pradeep Sharma Vs. Bajaj Allianz General Insurance Co. Ltd. & Anr. by which, appeal was partly allowed.

2. Brief facts of the case are that complainant/petitioner having shop of medicines obtained policy from OP No. 1/Respondent No. 1 for a sum of Rs. 3,00,000/- for the period from 6.9.2003 to 5.9.2004. Shop got fire on 15.10.2003 and loss was caused to the shop. Claim was submitted to OP which was not settled. Alleging deficiency on the part of OP, complainant filed complaint before District Forum. OP resisted complaint and denied insurance of shop and it was further pleaded that surveyor on conducting inspection found medicines of expired date. In spite of request, complainant failed to provide requisite documents. Address of shop was different from address provided in insurance policy; so, claim was repudiated on 13.9.2007 and prayed for dismissal of complaint. Learned District Forum after hearing both the parties, allowed complaint partly and directed OP No. 1 to pay Rs. 13,370/- with 6% p.a. interest along with Rs. 600/- as cost of proceedings. Appeal filed by complainant was partly allowed by learned State Commission vide impugned order and compensation was enhanced to Rs.20,000/- and cost of Rs.1,000/- was allowed against which, this revision petition has been filed.

3. None appeared for Respondent No. 2 even after service of notice and he was proceeded ex-parte.

4. Heard learned Counsel for the parties and perused record.

5. Learned Counsel for petitioner submitted that inspite of proof of heavy loss, learned State Commission has committed error in enhancing compensation only by Rs. 7,000/-; hence, revision petition be allowed and impugned order be set aside and claim of Rs. 3,00,000/- be allowed. On the other hand, learned Counsel for the Respondent No. 1 submitted that in the absence of requisite documents, order passed by learned State Commission is in accordance with law; hence, revision petition be dismissed.

6. Perusal of survey report prepared by Sudhindra Gupta reveals that next stock on the date of fire was of Rs. 13,370/-. Observations made in survey report further reveals that no stock was lying in the shop in lower portion at the time of break out of fire. He also did not find any ash on rakes and no impact of the fire on shelves. It was further observed that floor of the Duchhatti which was made up of wood was also not found in burnt condition and expired medicines were found there. He found fresh medicines to the extent of Rs.6,000/- in some cartons which were not in sound condition. Complainant also failed to provide stock of medicines which did not expire at the time of fire in the shop and in such circumstances, surveyor rightly assessed loss and learned State Commission has enhanced loss to Rs. 20,000/-. Learned Counsel for petitioner could not place any document on record to substantiate that complainant suffered loss more than Rs.20,000/- pertaining to medicines having validity period.

7. In the light of aforesaid discussion, I do not find any illegality, irregularity or jurisdictional error in the impugned order and revision petition is liable to be dismissed.

8. Consequently, revision petition filed by the petitioner is dismissed with no order as to costs.