
(2001) 05 NCDRC CK 0031

In the National Consumer Disputes Redressal Commission

PRAHALAD KUMAR VERMA

APPELLANT

Vs

NEW INDIA ASSURANCE COMPANY LIMITED

RESPONDENT

Date of Decision : 29-05-2001

Acts Referred:

Citation : 2002 2 CPJ 334 : 2003 2 CLT 328

Hon'ble Judges : K.C.Bhargava , D.D.Bahuguna , Rachna J.

Final Decision : Appeal dismissed

Judgement

1. THIS is an appeal against the judgment and order dated 6.7.1992 passed by District Consumer Forum, Gorakhpur in Complaint Case No. 10/1992.

2. THE facts of the case stated in brief are that the complainant was the owner of Maruti Car. He got this car insured with the New India Assurance Company Limited for a period of one year from 11.8.1989. This vehicle met with an accident on 19.9.1989 at about 11.30 a.m. on account of which it was badly damaged. THE vehicle was driven by a licensed driver and was coming from Bihar to Gorakhpur this vehicle struck against the truck near the Turra Nala. THE information was sent to the Insurance Company. A spot survey was made by the Insurance Company. THEreafter final survey was made on 17.10.1989. A sum of Rs. 1,14,000/- was assessed as damage by the Surveyor but the Insurance Company has not made the payment inspite of several demands. THE complainant has prayed that the Insurance Company be directed to make the payment of Rs. 95,000/- along with interest. The opposite party, New India Assurance Company Limited in its written version has alleged that at the time of accident, the vehicle was driven by one driver named Rishi. This fact was mentioned in the First Information Report but in the information conveyed to the Insurance Company the name of the driver was given as Ram Nivas @ Rishi. Rishi had no valid driving licence to drive the vehicle, hence the name was changed. The complainant is, therefore, not entitled to claim any damages from the Insurance Company.

The learned District Consumer Forum, after considering the facts of the case,

came to the conclusion that the driver who was driving the vehicle had no valid driving licence and dismissed the complaint.

3. AGGRIEVED against this order, the complainant has come in appeal and has challenged the correctness of the order passed by learned District Consumer Forum. The learned Counsel for the opposite party, Mr. V.P. Dubey was present. None was present on behalf of appellant inspite of the fact that the complainant had the knowledge of the date fixed in the appeal. He has moved an application on 1.3.2001 for fixing date. Thereafter, the date was fixed in this case. We have perused the file. A perusal of the file goes to show that the name of the driver disclosed in the First Information Report was Rishi. When the complainant found that Rishi was not having valid driving licence then the name of Ram Nivas @ Rishi was added to the name of the driver in order to show that he had a driving licence. If that would have been the full name of the driver then it should have been mentioned by the complainant in the F.I.R. also. Therefore, the complainant had failed to show in the present case that this person had no driving licence whose name was mentioned as a driver in the F.I.R. Thus we find that the judgment and order of the learned District Forum are perfectly correct and requires no interference. The appeal is, therefore, liable to be dismissed. ORDER The appeal is dismissed. The judgment and order of the learned District Forum are confirmed. There will be no order as to cost. Let copy of this order be made available to the parties as per rules. Appeal dismissed.