

**(2014) 09 NCDRC CK 0125**

**In the National Consumer Disputes Redressal Commission**

RAJENDRA SINGH YADAV

APPELLANT

Vs

NATIONAL INSURANCE CO. LTD.

RESPONDENT

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**Date of Decision :** 09-09-2014

**Acts Referred:**

**Citation :** 2014 0 NCDRC 588 : 2014 4 CPJ 269

**Hon'ble Judges :** K.S.CHAUDHARI J.

**Advocate :** JITIN SAHNI , NEERJA SACHDEVA

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**Judgement**

1. THIS revision petition has been filed by the petitioner against the order dated 12.04.2013 passed by the Rajasthan State Consumer Disputes Redressal Commission, Circuit Bench No. 3, Jaipur (in short, "the State Commission ") in Appeal No. 1568 of 2011 - National Insurance Co. Ltd. Vs. Rajendra Singh Yadav by which, while allowing appeal, order of District Forum allowing complaint was set aside and directed to pay amount as per surveyors report.

2. BRIEF facts of the case are that Complainant/petitioner 's truck RJ -02 -G -5382 was insured by OP/respondent for a period of one year from 21.12.2009 to 20.12.2010. On 4.2.2010, truck overturned and damages were caused. Intimation was given to OP. It was further submitted that approx. Rs. 1,50,000/- were spent on repairs of the truck and complainant submitted documents to OP. Surveyor assessed loss of Rs.18,000/- towards parts and Rs.1800/- towards labour charges. Alleging deficiency on the part of OP, complainant filed complaint before District Forum. District Forum after hearing both the parties, allowed complaint and directed OP to pay Rs.1,00,000/- as damages and Rs.3,000/- for mental agony. Appeal filed by OP was dismissed by learned State Commission. This Commission in R.P. No. 3886 of 2011 filed by OP set aside order of State Commission and remanded the matter back to the leaned State Commission to pass speaking order. After remand, State Commission passed impugned order against which, this revision petition has been filed.

3. HEARD learned Counsel for the parties and perused record. Learned Counsel for the petitioner submitted that surveyors assessment is not proper and he has

not allowed loss of many items and learned State Commission committed error in setting aside order of District Forum; hence, revision petition be allowed and impugned order be set aside. On the other hand, learned Counsel for the respondent submitted that order passed by learned State Commission is in accordance with law; hence, revision petition be dismissed.

4. PERUSAL of record reveals that surveyor has mentioned all the items in his survey report for which estimate was submitted by the complainant and surveyor after considering all the aspects assessed loss of Rs.1806.90 for parts and Rs.18,100/- towards labour charges and later on by addendum report, he assessed total loss of Rs.22,988.10. Learned Counsel for the petitioner could not place any document on record to substantiate that assessment made by the surveyor is not in accordance with law or he has under estimated price of any part or labour charges. Most of the parts were found by him intact and in such circumstances; no amount was allowed against replacement of those parts or on their repairs. Learned State Commission rightly directed respondent to make payment as per surveyors report and I do not find any illegality, irregularity or jurisdiction error in the impugned order and revision petition is liable to be dismissed.

5. CONSEQUENT LY , revision petition filed by the petitioner is dismissed with no order as to costs.