
(2003) 11 NCDRC CK 0027

In the National Consumer Disputes Redressal Commission

SRIKANTA MOHARANA

APPELLANT

Vs

DIVISIONAL MANAGER, LIC OF INDIA

RESPONDENT

Date of Decision : 17-11-2003

Acts Referred:

Citation : 2004 1 CPJ 321 : 2004 2 CLT 193 : 2004 2 CPR 382

Hon'ble Judges : D.M.Patnaik , Arati Mohanty , Pramodnath Das J.

Final Decision : Appeal allowed

Judgement

1. HEARD Mr. R.K. Patnaik, the learned Counsel for the L.I.C.I. in perusal of our judgment we do not find the case to be covered in the line of the judgment in the case of Basanti Devi reported in AIR 2000 SC 43. This was being wrongly applied in the present case. Accordingly we recall our order dated 8.11.2001 and we have taken up the matter for hearing afresh on 31.7.2003. We dispose of the appeal in the following manner.

2. COMPLAINANT's grievance was he was entitled to the matured amount under policy No. 16700331. Admittedly the same matured on 10.1.1998. This was not paid to him for which he moved the District Forum. A blank discharge voucher was sent to him alongwith the letter of the LIC dated 8.10.1987. However, he signed it and returned it by ordinary post. It is the case of the Insurance Company that they did not receive the discharge voucher for which they could not send the money. Complainant's admitted case is he received the voucher for Rs. 276/- under the forwarding letter of the LIC dated 22.7.1998. His only grievance is he is entitled to for payment of interest for this delay of 7 months i.e. from 10.1.1998 to 22.7.1998. We do not find any reason for the District Forum to have dismissed the case of the complainant. The case has been dismissed vide para-5 of the judgment that in the complaint petition the complainant mentioned that "probably the policy bond was not received by him". The District Forum held that this type of uncertainty is of no help to the complainant.

On hearing Mr. Patnaik we are of the view that there should not have been

anything wrong for the Forum to allow interest at the rate of 10% per annum on the small amount of Rs. 276/- as claimed by the complainant vide his appeal memo. We allow the appeal and set aside the order of the District Forum and direct the LICl to pay a sum of Rs. 276/- alongwith interest for 7 months to be calculated at the rate of 10% per annum from 10.1.1998 till payment and the whole of the amount should be despatched to the address of the complainant by registered post at the costs of the L.I.C.I. This should be complied within a period of one month from the date of communication of the order. No cost. Appeal allowed.