
(2003) 07 NCDRC CK 0107

In the National Consumer Disputes Redressal Commission

SYED SHAMIM INDRABI

APPELLANT

Vs

Oriental Insurance Company Ltd.

RESPONDENT

Date of Decision : 30-07-2003

Acts Referred:

Citation : 2005 1 CPJ 304

Hon'ble Judges : M.Y.Kawoosa , Jameela Bashir J.

Final Decision : Complaint disposed of

Judgement

1. COMPLAINANT owned a residential house at village Ratni Pora Pulwama. They insured it with the O.P. for Rs. 10.00 lacs during the insurance cover admittedly the building got damaged due to fire incident. Claim was raised. FIR was filed. According to the complainant Mr. Vinod Bhan and Paramjeet Singh were deputed to assess the loss who have assessed the same at Rs. 6,83,357.00. Meanwhile another Surveyor was appointed by the O.P. namely Shakeel Ahmed Bhat who reassessed the loss at Rs. 4.10 lacs. O.P. raised various objections regarding maintainability of the claim. According to O.P. Insurance policy was obtained in the name of a dead person Badr-ud-Din. It is also admitted that his son Syed Shamin Indrabi s/o Badr-ud-Din also figures in the insurance policy as one of the insured. Second objection raised by the O.P. is that Vinod Bhan has sown the building 3 storeyed with attic while insured building was 2 storeyed with attic.

2. LEARNED Counsel for the complainant has contended that it is he who gave the information to the Insurance Company that Badr-ud-Din had died before the insurance policy. Basically according to him Insurance Company has mistakenly shown the name of father of Syed Shamim Indrabi. According to the complainant insurance was in the name of two brothers Syed Shami Indrabi and Syed Basharat Indrabi sons of Badr-ud-din Indrabi. He has referred the correspondence between the company and the fire brigade and has referred FIR and the Fire Brigade report from which it reveals that the insured's house belonged to Syed Shamin Indrabi and Syed Basharat Indrabi who are sons of Badr-ud-Din. Secondly it was contended that the house was 3 storeyed with

attic. According to the complainant there was no necessity to appoint another Surveyor once two joint Surveyors namely Vinod Bhan and Paramjeet Singh were deputed to assess the loss. It has hardly been contended that Shakeel Ahmed Bhata was not allowed to reassess the loss he was only deputed with the permission of the Commission to verify the building was two storeyed with attic or three storeyed with attic. Shakeel Ahmed Bhat has of his own reassessed the loss. However, during the argument it was found that admitted liability of Rs. 4.10 lacs have already been paid to the complainant. Commission suggested that out of the difference Rs. 1.00 lac more be given to the complainant which was agreed to by the Counsel for O.P. who obtained verbal consent from his client. We, therefore, direct the O.P. to pay Rs. 1.00 lac more to the complainant out of the difference between two assessed amounts, so far as the interest is concerned, though Counsel for O.P. objects to the payment of interest but we deem it feasible in the interest of justice to direct the O.P. to pay interest @ 9% p.a. from the date of filing of this complaint i.e., 9.10.1998 upto the date of payment of Rs. 4.10 lacs i.e., 18.10.2002. There will be no interest on Rs. 1.00 lac. The whole amount be paid to the complainant within 5 weeks. Complaint disposed of.