
(2013) 05 NCDRC CK 0090

In the National Consumer Disputes Redressal Commission

T.S. Muthukrishnan

APPELLANT

Vs

BRANCH MANAGER INDIAN OVERSEAS BANK , Managing
Director United India Insurance Co. Ltd. 24, Whites Road,
Chennai

RESPONDENT

Date of Decision : 21-05-2013

Acts Referred:

Citation : 2013 0 NCDRC 435 : 2013 2 CPJ 737

Hon'ble Judges : K.S.CHAUDHARI , B.C.Gupta J.

Advocate : NEENA SINGH

Judgement

1. THIS revision petition has been filed by the Petitioner/Complainant against the impugned order dated 26.9.2011 passed by the Karnataka State Consumer Disputes Redressal Commission, Bangalore (in short, "the State Commission ") in Appeal No. 1297 of 2010 - The MD, United India Ins. Co. Ltd. Vs. T.S. Muthukrishana & Anr. and in Appeal No. 3952 of 2010 - T.S. Muthukrishana Vs. Branch Manager, Indian Overseas Bank & Anr. by which, while dismissing appeals, order passed by District Forum allowing complaint partly was upheld.

2. BRIEF facts of the case are that Petitioner/Complainant purchased an Indian Overseas Bank Health Care Plus Policy on 1.9.2005 from OP No.1/Respondent No.1. Subsequently, the said policy was renewed from OP No.1/Respondent No.1, but OP changed three insurance companies in 4 years. Complainant 's wife suffered a fracture in the spinal cord and when the complainant approached hospital, he was denied cashless service by the third party administrator on the ground that policy is "very fresh ". It was further alleged that OP repudiated claim. Complainant alleging deficiency on the part of OPs filed complaint before District Forum. OPs contested complaint and submitted that complainant failed to establish deficiency in service on their part; hence, complaint be dismissed. Learned District Forum after hearing both the parties allowed complaint partly and directed OP No. 1 to pay compensation of Rs.10,000/- and directed OP No. 2 to pay compensation of Rs.1,00,000/- and Rs.5,000/- as litigation expenses. It

was further observed that complainant can claim reimbursement of medical expenses as per policy, terms and conditions and it cannot be considered in this complaint. Both parties filed appeal before learned State Commission and learned State Commission vide impugned order dismissed both the appeals against which, the petitioner has filed this revision petition. Heard learned Counsel for the petitioner at admission stage and perused record.

3. COMPLAINANT under complaint prayed for awarding Rs.5,00,000/- for reimbursement of hospitalization and post hospitalization expenses and Rs.3,00,000/- from each of the OPs as compensation on account of mental agony and Rs.20,000/- as cost of the proceedings. Learned District Forum awarded Rs.1,10,000/- as compensation on account of mental agony and Rs.5,000/- as cost of the proceedings and further observed that claim of reimbursement of medical expenses cannot be considered in this complaint.

4. LEARNED Counsel for the petitioner submitted that learned District Forum has committed error in allowing only Rs.1,10,000/- as compensation and learned State Commission has committed error in dismissing appeal for enhancement of compensation; hence, revision petition be admitted. As observed earlier, learned District forum has not considered claim for reimbursement of medical expenses, as claim for medical reimbursement has not been repudiated by OP No. 2/ Respondent No.2. In such circumstances, award of Rs.1,10,000/- as compensation cannot be said to be award on lower side. There is no justification to enhance quantum of compensation. Learned State Commission has not committed any error in dismissing appeal for enhancement of compensation.

5. WE do not find any illegality, impropriety or jurisdictional error in the impugned order, which calls for any interference and revision petition is liable to be dismissed.

6. CONSEQUENTLY , revision petition filed by the petitioner is dismissed at admission stage with no order as to costs