
(1993) 04 NCDRC CK 0121

In the National Consumer Disputes Redressal Commission

United India Insurance Co.

APPELLANT

Vs

CHADDA GENERAL STORE

RESPONDENT

Date of Decision : 06-04-1993

Acts Referred:

Citation : 1993 0 CPC 797 : 1993 2 CPJ 973

Hon'ble Judges : K.S.Varma , S.P.Goyal , Vidya Sonker J.

Final Decision : Complaint dismissed

Judgement

1. THIS case arises out of an Insurance claim put forward by the Complainant on the allegations that under the policy the Insurance Co. agreed to indemnity the insurer in respect of loss or damage to properly. The Complainant's case is that after realizing Rs. 16333.70 paisa from his clients he put the amount in his scooter. The Complainant reached another shop for recovery of his dues. After keeping the scooter out side the shop, when he returned he found that the sum of Rs. 16333.70 paisa had been stolen by some one. The Complainant in these circumstances has claimed Rs. 16333.70 paisa from the Insurance Company.

2. DURING the course of arguments before us our attention was drawn to terms of the policy which indicate that the Complainant was required to take reasonable care to protect the properly against any loss or damage. In this respect the insurer is required to take reasonable care that he is not guilty of negligence. It has been contended by reference to terms of the policy mentioned above, that given the fact that the Complainant had kept Rs. 16333.70 paisa in the scooter which was later on stolen by some one there is carelessness on the part of the Complainant by leaving such a huge amount in an uncared for State. After having perused record of the case, we notice that the Complainant did not take sufficient precaution expected from a reasonable person. The fact that the Complainant left money in the scooter in an uncared for state in the manner indicated above, clearly indications that he did not take reasonable case which a normal person should have taken to protect a huge amount belonging to him.

The District Forum has held that since he left the amount in the scooter the claim

should have been decreed. The Forum lost sight of the fact that apart from other matters the Complainant should have taken with him another person to protect the money. If a person is so negligent as to leave a sum of Rs. 16333.70 paisa in an uncared for state it is obvious that insurance claim is not entertain able.

3. WE have given our anxious consideration to the contentions advanced by the parties on the matter and we find no merit in the case of the Complainant. For reasons stated above, we set aside the order of the District Forum and allow the Appeal and dismiss the Complaint. Complaint dismissed.