(2015) 04 NCDRC CK 0039

In the National Consumer Disputes Redressal Commission

UNITED INDIA INSURANCE CO LTD — APPELLANT

Vs

Vishal Emporium — RESPONDENT

Date of Decision : 20-04-2015

Acts Referred:

Citation : 2015 2 CPR 417

Hon'ble Judges : V.B.GUPTA , SURESH CHANDRA J.

Final Decision : Petition disposed

Judgement

1. HEARD .

2. BRIEF facts are that Respondent/Complainant is running trade and business sunder the name and style of M/s. Vishal Emporium and obtained comprehensive insurance cover for a sum of Rs.2 lacs after paying a premium of Rs.989/ - to Petitioner/Opposite Party regarding his furniture show room which was valid w.e.f. 12.4.2002 to 11.4.2003. On 13.4.2002, an accidental fire broke out and due to that show room of respondent was gutted and it caused loss of lacs of rupees. The matter was brought to the notice of petitioner, but despite several requests and notice dated 29.6.2002, it remained pending with the petitioner. Ultimately, on 23.6.2003 a sum of Rs.1,40,620/ - was paid, which was received by the respondent under protest. Grievance of respondent is that, despite insurance cover of Rs.2 lac, petitioner paid Rs.60,000/ - less. Later on, respondent filed a complaint praying for direction to the petitioner to settle the claim and to pay a sum of Rs.60,000/ - with interest @ 18% per annum w.e.f 13.4.2002, till realization alongwith litigation cost of Rs.5,000/ -.

3. PETITIONER contested the complaint and filed its written reply, stating that fire had broken in the upper room of the shop and loss was got assessed through competent surveyor. After completion of formalities, amount has been paid to the respondent. It is also alleged, that there is no protest for settlement of the claim. District Forum vide order dated 11.1.2006, allowed the complaint and directed the petitioner to pay a sum of Rs.59,380/ - to the respondent, within a period of 30 days with interest @ 9% per annum from the date of filing of the complaint

i.e. 10.9.2003. In addition, respondent shall also be entitled to litigation cost of Rs.2,000/ -.

4. BEING aggrieved, petitioner filed First Appeal No.25 of 2006 before the State Commission.

5. THE State Commission, partly allowed the appeal by directing the petitioner to pay Rs.51,471/ -, instead of Rs.60,000/ - in terms of policy of insurance with interest at the rate and date as ordered by the District Forum, besides cost of the appeal, quantified at Rs.5,000/ -.

6. HENCE , present revision.

7. THE Consumer complaint was filed in the year 2004. Thus, more than 11 years have lapsed. Even otherwise, there are concurrent findings of facts in favour of the respondent. Since, there was a mistake on the part of petitioner and only a paltry sum of about Rs.51,471/ -, is involved in this case, under these circumstances, we are not inclined to entertain this petition, in view of the decision of Apex Court in "Gurgaon Gramin Bank Vs. Khazani and another, 2012 4 CPJ 5 (SC), where Apex Court observed; "2. Number of litigations in our country is on the rise, for small and trivial matters, people and sometimes Central and State Governments and their instrumentalities Banks, nationalized or private, come to courts may be due to ego clash or to save the Officers'' skin. Judicial system is over -burdened, naturally causes delay in adjudication of disputes. Mediation centers opened in various parts of our country have, to some extent, eased the burden of the courts but we are still in the tunnel and the light is far away. On more than one occasion, this court has reminded the Central Government, State Governments and other instrumentalities as well as to the various banking institutions to take earnest efforts to resolve the disputes at their end. At times, some give and take attitude should be adopted or both will sink. Unless, serious questions of law of general importance arise for consideration or a question which affects large number of persons or the stakes are very high, Courts jurisdiction cannot be invoked for resolution of small and trivial matters. We are really disturbed by the manner in which those types of matters are being brought to courts even at the level of Supreme Court of India and this case falls in that category."

The Apex Court further held; "10. The Chief Manager stated in the affidavit that no bill was raised by the counsel for the bank for conducting the matter before the National Consumer Dispute Redressal Commission. We have not been told how much money has been spent by the bank officers for their to and fro journeys to the lawyers'' office, to the District Forum, State Forum, National Commission and to the Supreme Court. For a paltry amount of Rs.15000/ -,even according to the affidavit, bank has already spent a total amount of Rs.12,950/ - leaving aside the time spent and other miscellaneous expenses spent by the officers of the bank for to and fro expenses etc. Further, it may be noted that the District Forum had awarded Rs.3,000/ - towards cost of litigation and compensation for the harassment caused to Smt. Khazani. Adding this amount, the cost goes up to Rs.15,950/ -. Remember, the buffalo had died 10 years back, but the litigation is not over, fight is still on for Rs.15,000/ -.

11. Learned counsel appearing for the bank, Shri Amit Grover, submitted that though the amount involved is not very high but the claim was fake and on inspection by the insurance company, no tag was found on the dead body of the buffalo and hence the insurer was not bound to make good the loss, consequently the bank had to proceed against Smt. Khazani.

12. We are of the view that issues raised before us are purely questions of facts examined by the three forums including the National Disputes Redressal Commission and we fail to see what is the important question of law to be decided by the Supreme Court. In our view, these types of litigation should be discouraged and message should also go, otherwise for all trivial and silly matters people will rush to this court.

13. Gramin Bank like the appellant should stand for the benefit of the gramins who sometimes avail of loan for buying buffaloes, to purchase agricultural implements, manure, seeds and so on. Repayment, to a large extent, depends upon the income which they get out of that. Crop failure, due to drought or natural calamities, disease to cattle or their death may cause difficulties to gramins to repay the amount. Rather than coming to their rescue, banks often drive them to litigation leading them extreme penury. Assuming that the bank is right, but once an authority like District Forum takes a view, the bank should graciously accept it rather than going in for further litigation and even to the level of Supreme Court. Driving poor gramins to various litigative forums should be strongly deprecated because they have also to spend large amounts for conducting litigation. We condemn this type of practice, unless the stake is very high or the matter affects large number of persons or affects a general policy of the Bank which has far reaching consequences.

14. We, in this case, find no error in the decisions taken by all fact finding authorities including the National Disputes Redressal Commission. The appeal is accordingly dismissed with cost of Rs.10,000/ - to be paid by the bank to the first respondent within a period of one month. Resultantly, the Bank now has to spend altogether Rs.25,950/ - for a claim of Rs.15,000/ -, apart from to and fro travelling expenses of the Bank officials. Let God save the Gramins."

8. ABOVE quoted observations of the Apex Court, with all force are fully applicable to the facts and circumstances of the present case.

9. UNDER these circumstances, as paltry amount of about Rs.51,471/ - only is involved, we are not inclined to entertain this revision petition. However, question of law raised in this petition, is kept open to be decided in an appropriate case, where the stakes are high.

10. THE present revision stand disposed of accordingly.

11. NO order as to cost.

12. DASTI to both parties.

