

(2006) 05 NCDRC CK 0046

In the National Consumer Disputes Redressal Commission

UNITED INDIA INSURANCE COMPANY

APPELLANT

Vs

Jeet Singh

RESPONDENT

Date of Decision : 23-05-2006

Acts Referred:

Citation : 2006 4 CPJ 217

Hon'ble Judges : Arun Kumar Goel , Narinder Singh Thakur , Saroj Sharma J.

Final Decision : Ordered accordingly

Judgement

1. THIS appeal is directed against the order dated 31.5.2003 passed by District Forum, Una, Camp at Amb, in Consumer Complaint No. 89/2002.

2. NUMBER of pleas were urged on behalf of the parties for and against at the time of hearing of this appeal. Mr. Sharma, learned Counsel for the appellant urged that the complaint was barred by time inasmuch as that his client had repudiated the claim of the respondent on 17.2.2000 whereas complaint was filed on 6.4.2002. Purely on question of law, it is not disputed on behalf of the respondent that if this is the factual position, then the complaint would be barred by time. However, Mr. Chauhan hastened to add, that repudiation letter is of 17.8.2000 and was received by his client on this date, therefore, complaint was within time. As such, plea to the contrary on behalf of the appellant is without substance and merits rejection.

Mr. Sharma has produced for our perusal original record relating to this case, wherein copy of letter No. 6601 dated 17.2.2000 is there on file. It contains two numbers i.e., 6601 and 6602. In these circumstances, the core question involved in this case is as to when this letter was actually delivered to or received by the respondent. Though specific plea regarding letter having been sent on 17.2.2000 is raised by way of preliminary objection as well as in reply to paragraph 4 of the complaint, still Forum below for reasons best known to it, has not said anything in this behalf, whereas respondent's case was that letter No. 6601 was received by him on 17.8.2000. Forum was bound to record a finding either way for the simple reason that if the complaint was barred by time, that was the end of the

matter, otherwise it was required to proceed on merits as per law.

3. IN these circumstances, we are of the view that the impugned order passed by the District Forum below, in Complaint Case No. 89/2002 on 31.5.2003 needs to be set aside. Ordered accordingly. Case is remanded to the District Forum, who shall proceed to hear the same afresh on all questions including the complaint being time barred without being influenced by anything said either in its earlier order or in this order which is meant purely for disposal of this appeal. At this stage, Mr. Chauhan submitted that accident in this case is of 1998, therefore, time bound direction may be issued to the Forum below for final disposal of the case. This prayer has not been opposed and even otherwise case needs early disposal. Parties are directed to appear before the District Forum on 26.6.2006. Since the date has been fixed by this Commission, no notice will be issued to the parties by the Forum in any circumstances. IN case any of the party defaults, appropriate orders in accordance with law will be passed against such party. Parties are left to bear their own costs. Office to ensure that record is transmitted well before the date fixed. Learned Counsel for the parties stated that they will render all possible assistance to the District Forum for expeditious disposal of the case. Complaint be finally disposed of at the earliest and in no case later than 30.9.2006. Direction regarding time frame is to be strictly adhered to by the District Forum below. All interim orders passed from time to time in this appeal shall stand vacated. Copy of this order will be provided to the parties free of cost as per rules. Ordered accordingly.