

(2005) 09 NCDRC CK 0108

In the National Consumer Disputes Redressal Commission

United India Insurance Company Ltd

APPELLANT

Vs

NASEERUDDIN MAJOR

RESPONDENT

Date of Decision : 05-09-2005

Acts Referred:

Citation : 2007 2 CPJ 145

Hon'ble Judges : K.S.Gupta J.

Advocate : Ashok Kumar Sharma

Final Decision : Dismissed

Judgement

1. -PETITIONER was the opposite party. Respondent/complainant was the owner of a jeep bearing registration No. KA-38 M451 which was insured with the petitioner for the period from 11. 3. 1996. Jeep met with an accident on 3. 1. 1997. Petitioner was informed of the accident on 4. 1. 1997 by respondent who also lodged FIR with the Police being No. 1/1997. Respondent alleged that he incurred amount of Rs. 40,000 on repairs of the jeep. On not making payment of this amount, the respondent filed complaint which was contested by the petitioner. Respondent having purchased the policy valid from 11. 3. 1996 to 10. 3. 1997 and the jeep having met with accident on 3. 1. 1997 were not denied by the petitioner. However, it was pleaded that a notice was sent on 17. 7. 1997 to the respondent calling upon to submit certain documents which were received back unserved. After waiting for two months, the file was closed as "no claim case" on 18. 9. 1997. It was pleaded that complaint was barred by time. Liability to pay the amount claimed was emphatically denied. District Forum allowed the complaint with direction to the petitioner to pay the amount of Rs. 40,000 with interest @ 12% p. a. from the date of filing complaint besides awarding Rs. 2,000 towards compensation for mental torture, etc. . Appeal filed against District Forum's order by the petitioner was dismissed by the State Commission. As may be seen from the order of State Commission, main grievance of the petitioner before the Commission was that the complaint was barred by limitation. Shri Ashok Kumar Sharma whom I have heard on admission, confines

his submission to the plea of complaint being barred by limitation. The order of District Forum notices that on 11. 4. 2003, the application filed by the respondent for condoning delay in filing complaint was allowed and no appeal/revision was filed against that order by the petitioner. On inquiry, Mr. Sharma admits that no intimation regarding closure of case as "no claim case" by the Insurance Company on 18. 9. 1997 was sent to the respondent. Limitation can start running only after the respondent is informed of the closure of case as "no claim case".

2. IN the absence of intimation and the order dated 11. 4. 2003 which has attained finality, I do not find any illegality or jurisdictional error in the orders passed by fora below warranting interference in revisional jurisdiction under Section 21 (b) of Consumer Protection Act, 1986. Revision petition is, therefore, dismissed. Revision Petition dismissed.