

(2002) 10 NCDRC CK 0021

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

SUSHIL KUMAR

APPELLANT

Vs

BRANCH MANAGER, ORIENTAL
INSURANCE CO. LTD.

RESPONDENT

Date of Decision: Oct. 11, 2002

Citation: 2003 1 CPJ 367 : 2003 2 CPC 659 : 2003 2 CPR 283 : 2003 3 CLT 266

Hon'ble Judges: Chowdhry , S.N.Mishra , S.Hansda J.

Final Decision: Appeal dismissed

Judgement

1. UNSUCCESSFUL complainant is the appellant before us against the judgment and order dated 7.8.2000 passed by the District Consumer Forum, Chatra in Complaint Case No. 21/2000 whereby the complainant has been non-suited.

2. AFTER having heard the learned Counsel for the parties and going through the materials on record including the order under challenge, it appears that the District Forum has refused to grant any relief on the ground of being disputed question of fact involved inasmuch as, according to the appellant, theft was committed in the shop which was admittedly insured with the National Insurance Company. During the subsistence of the policy, whereas, the plea taken on behalf of the Insurance Company to the effect that the theft took place in the godown, which was admittedly not insured. The Insurance Company have relied upon various documents and the statements made by the complainant from time to time. In that view of the matter, the District Forum, in our view, has rightly non-suited the complainant.

We have considered the relevant materials on record wherefrom it appears that the claim petition filed before the Insurance Company, the complainant has made a

categorical statement that the theft took place from the godown. Admittedly, the godown was not insured. The claim has been repudiated only on the solitary ground of theft having been committed in the godown. In that view of the matter, there is no infirmity and/or illegality in the order impugned. Accordingly, this appeal is dismissed but without cost. However, it will be open to the appellant to take appropriate remedy if available in accordance with law for redressal of his grievance without being prejudiced by this order. Appeal dismissed.