

(2003) 12 NCDRC CK 0038

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

SHIVALIK AGRO CHEMICALS

APPELLANT

Vs

NEW INDIA ASSURANCE
COMPANY LIMITED

RESPONDENT

Date of Decision: Dec. 18, 2003

Citation: 2004 1 CPJ 364 : 2004 2 CPC 300

Hon'ble Judges: K.K.Srivastava , Devinderjit Dhatt J.

Final Decision: Appeal dismissed

Judgement

1. THE complaint filed by the appellant/complainant being Complaint Case No. 410 of 2003 was dismissed in limine vide order dated 5.11.2003 passed by the District Consumer Disputes Redressal Forum-II, U.T., Chandigarh [for short hereinafter referred to as the District Forum] on the ground that the vehicle in question i.e. Mahindra Jeep was purchased by the appellant-Company which is a commercial organisation for commercial purpose and as such the appellant/complainant is not covered under the definition of a Consumer as defined under Section 2(1)(d) of the Consumer Protection Act, 1986 [for short hereinafter referred to as the C.P. Act] as amended vide Amendment No. 62 of 2002.

2. THE learned Counsel for the appellant Mr. Sanjay Judge, Advocate contended that the Mahindra Jeep vehicle which is a vehicle in question insured by the respondent-New India Assurance Company Limited [for short hereinafter referred to as the Insurance Company] was though registered in the name of the appellant-Company yet it was not for commercial purpose.

The learned Counsel for the appellant tried to distinguish the vehicle in question from a truck used for carrying the goods and contended that though the Company purchased Mahindra Jeep yet the same was not for commercial purpose. Apart from the fact that it is the sole argument raised, there is no material shown to show that the Company had purchased the vehicle in question i.e. Mahindra Jeep to be used for the purpose other than a commercial purpose. In the absence of any such material placed on record, we find it unable to hold that the vehicle in question was not purchased by the Company for commercial purpose but for a purpose other than commercial purpose.

The District Forum has thus rightly dismissed the complaint in limine after giving hearing to the learned Counsel for the appellant as required under Section 12(3) of the C.P. Act. The appeal lacks merit and is dismissed in limine. Copies of this order be sent to the parties free of charge. Appeal dismissed.