

**(2003) 05 NCDRC CK 0041**

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION**

**Case No:** None

National Insurance Co. Ltd.

APPELLANT

Vs

LT. COL. G.S. SANDHU

RESPONDENT

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**Date of Decision:** May 19, 2003

**Citation:** 2004 3 CPJ 351

**Hon'ble Judges:** K.K.Srivastava , Devinderjit Dhatt , MajGenS.P.Kapoor J.

**Final Decision:** Appeal dismissed

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**Judgement**

1. IN this appeal filed by the National Insurance Company Limited, Chandigarh against the order dated 3.3.2003 of the District Forum-II, U.T., Chandigarh in Complaint Case No. 790 of 2001, the sole contention raised before us is that the District Forum has wrongly included the value of the body shell of the car priced at Rs. 72,318/- to the assessment made by M/s. Esquire Technocrats (a copy of which had been placed on record as Annexure R-1), while holding on the one hand the report of said M/s. Esquire Technocrats as being materially and substantially correct, whereas on the other hand it added the price of the body shell of the car insured and involved under the accident to the amount of compensation recommended by the aforesaid Surveyor.

2. AFTER going through the impugned order, we find that the District Forum recorded a categorical finding in para 13 that the complainant himself was a Surveyor and Loss Assessor and he obtained the report of M/s. Apex Motors, Industrial Area, Chandigarh which had recommended the replacement of the body shell priced at Rs. 72,318/- and whose report the appellant/O.P. could not rebut. On these findings, the District Forum held that the Insurance Company had committed

deficiency in service by not allowing replacement of body shell to the complainant.

The car involved in this case had been insured under the policy of insurance issued by the appellant for a sum of Rs. 2,60,000/- and the premium of the insurance policy for the period from 14.2.2001 to 13.2.2002 was duly paid. The accident had undisputedly taken place within the period of continuance of the insurance policy. The District Forum has examined the rival contentions and the material placed on record at length and has, for valid reasons, held about the replacement of the body shell of the car insured which was priced at Rs. 72,318/-.

We find no good grounds to differ from the finding recorded by the District Forum and hold that the District Forum has rightly awarded a sum of Rs. 1,45,486/- as compensation and ordered for adjustment of the value of the salvage assessed at 1/5th of the amount of Rs. 1,45,486/- which came to Rs. 28,000/- in round figures. The balance amount of Rs. 1,17,486/- as compensation was directed to be paid by the appellant/O.P. within two months from the date of receipt of certified copy failing which the aforesaid amount will carry interest at the rate of 8 per cent per annum till payment. A sum of Rs. 1,000/- was awarded as costs of litigation. These sums are not under challenge excepting price of the body shell of the car.

3. FOR the reasons mentioned above, we find ourselves in agreement with the finding of the District FORum regarding the necessity of the body shell of the car and for the price of the same to be taken into consideration while determining compensation.

The appeal, in our considered opinion, has no merit and is dismissed in limine. Appeal dismissed.