GYARSI DEVI Vs Manager United India Insurance Co.Ltd

None

Court: NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Date of Decision: Sept. 1, 2011

Citation: 2011 0 NCDRC 567

Hon'ble Judges: R.K.Batta , Anupam Dasgupta J.

Final Decision: Appeal dismissed

Judgement

1. ANUPAM Dasgupta This revision petition challenges the order dated 24th January 2011 of the Rajasthan State Consumer Disputes Redressal

Commission, Circuit Bench, Jaipur (in short, ""the State Commission"") by which the State Commission set aside the order dated 22nd March 2007

of the District Consumer District Redressal Forum, Tonk (in short, ""the District Forum""). The District Forum had held the Insurance Company

(respondent no.1 in this petition) guilty of deficiency in service in repudiating the insurance claim of Rang Lal, (deceased) owner of the tractor

which was insured with the said respondent during the relevant period (11.02.2004 to 10.02.2005) and was stolen on 08.06.2004. Accordingly,

the District Forum directed the insurance company to pay Rs.3.65 lakh along with interest @ 9% per annum from the date of filing of the complaint

till payment as well as cost of Rs.5000/- all to be paid within a period of one month from the date of the order.

2. ON consideration of the conditions of the insurance policy in relation to the facts of the case, the State Commission came to the conclusion that

the insurance company was justified in repudiating the insurance claim and, accordingly, set aside the order of the District Forum. It is against this

order that the legal representatives of the deceased complainant have come up in revision petition.

The basic facts relating to the case are not in dispute. The tractor of the deceased complainant was stolen during the period of validity of the

insurance policy on 08.06.2004. However, the case was registered by the Police on 21.06.2004 and the complainant/insured informed the

insurance company of the theft on 25.08.2004. According to the conditions of the insurance policy, the theft had to be intimated to the insurance

company ""immediately"". Clearly, in this case, there was an unconscionable delay of over two months on the part of the complainant/insured in

intimating the delay to the insurance company.

On the basis of the decision of this Commission in the case of New India Assurance Company Ltd., vs Trilochan Jane, the State Commission held

that this delay was fatal because it completely prevented the insurance company from carrying out any investigation as to the truth of the alleged

theft. It was also noticed that the police was unable to recover the tractor and put up a final report before the Court to the effect that the tractor

was not traceable.

3. IN the above-mentioned case relied upon by the State Commission, this Commission had observed inter alia as under:

IN the present case, the respondent did not care to inform the insurance company about the theft for a period of nine days, which could be fatal to

the investigation. The delay in lodging the FIR after two days of the coming to know of the theft and nine days to the insurance company, can be

fatal, as in the meantime, the car could have travelled a long distance or may have been dismantled by that time and sold to kabaadi (scrap

dealer)"".

Notably, in this case, the delay in intimating the theft to the INsurance Company was of over two months.

Given the facts discussed above, we are in agreement with the findings and order of the State Commission. As a consequence, the revision petition

is dismissed, with no order as to costs.