

(2002) 12 NCDRC CK 0053

NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION

Case No: None

JAWAHIR LAL KAUL

APPELLANT

Vs

United India  
Insurance Co. Ltd.

RESPONDENT

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Date of Decision: Dec. 27, 2002

Citation: 2003 4 CPJ 743

Hon'ble Judges: M.Y.Kawoosa , ChVidya Sagar J.

Final Decision: Appeal dismissed

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#### Judgement

1. ORDER dated 3.3.2000 passed by the DF has been assailed by way of this appeal. By virtue of the impugned order, complaint of the appellant has been dismissed by the DF.

2. BRIEFLY stated appellant filed complaint on 6.7.1998 before the DF. He had insured his household goods with the respondent/O.P. for an amount of Rs. 75,000.00 under Household Insurance Policy No. 110600/56/100228/91. This covered the risk of fire to house including burglary and theft. Policy extended to terrorist cover also. The case of appellant is that his household goods were looted by miscreants and the complainant brought the matter to the notice of SHO, Police Station Karan Nagar, Srinagar vide letter dated 7.9.1991 and informed the respondent also regarding the FIR on 16.10.1991. Appellant was informed vide letter dated 3.12.1991 that Showkat Shah had been appointed as Surveyor for the assessment of the loss. Complainant was asked to be in touch with Surveyor. Survey was conducted. It was in July, 1997 that the complainant was informed vide letter dated 8.7.1997 that Riyaz Ahmed Dhobi has been appointed to conduct the survey

who was unable to visit the said site for conducting the survey within the prescribed time which resulted in the deficiency of service causing loss to the appellant.

Notice was served to the respondent/O.P. Their stand was that police did not register the case on the ground that after the police was informed about the theft, police went on spot and found that the house was already taken in possession of by para military forces, 82 Bn BSF since May, 1992. The said forces found some household goods in the house and they requested the SHO concerned to make the inventory thereof and take possession of the household goods. SHO made the inventories accordingly and took the possession of goods and the appellant was informed accordingly. But the appellant's case is that the list of the goods which was shown to him by the police does not belong to him. He had already prepared his own list which was not according to appellant's contention found there. Evidence has been recorded. Divisional Forum has come to the conclusion that the appellant has failed to prove its case because there was no commission of theft.

Heard learned Counsels for the parties. We have examined the whole record and heard the Counsel for appellant. We have examined the record and have considered the forceful arguments of the learned Counsel for appellant. Learned Counsel for appellant has stressed that the Surveyors were appointed but they did not make any survey at the spot. It is a proved fact that the Surveyors went on spot but both Surveyors were not allowed by BSF men to enter into the premises. It is also apparent on the face of the record that they were not even allowed to take photographs by 82 Bn of BSF. We have examined the police report. Police report is categorical in showing that no theft was committed, so it did not register the FIR. We have closely examined the evidence. Even the appellant has admitted that his house was occupied by the BSF. He has also admitted that SHO on the behest of BSF personnel prepared inventory and took delivery of the household goods but the contention of the appellant is that those goods did not belong to him. Even the appellant has admitted that he has made the claim from BSF for the rent. We see no force in this appeal which is dismissed. Appeal dismissed.