

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1384 OF 2009
(Arising out of SLP (C) No. 901 of 2007)

National Insurance Co.

..Appellant

Versus

M/s Sajjan Kumar Aggarwalla

..Respondent

J U D G M E N T

Dr. ARIJIT PASAYAT, J

1. Leave granted.
2. Challenge in this appeal is to the order passed by the National Consumer Dispute Redressal Commission, New Delhi (in short the ‘National Commission’). Challenge before the National Commission was to the order dated 25.7.2006 passed by State Consumer Dispute Redressal

Commission, Orissa at Cuttack (in short the 'State Commission'). The appeal before the State Commission was directed against the order passed by District Consumer Dispute Redressal Forum, Angul (in short the 'District Forum').

3. The controversy lies within a very narrow compass.

The respondent filed a complaint alleging that his claim for compensation was repudiated without any valid reason. His case was that he is owner of Maruti Car No.QR-6/D/0121. The vehicle was the subject matter of insurance with the appellant. On 23.2.2001 the vehicle met with an accident in the State of Chattisgarh and it was badly damaged. On being informed, appellant deputed a Surveyor to conduct spot survey. According to the claimant there was an agreement that the claimant would be paid Rs.1,95,000/- for the damage of the vehicle. But the appellant repudiated the claim on the ground that the driver who was driving the vehicle did not have an effective driving license at the time of accident. Before the District Forum a copy of the driving license bearing No.1149 dated 22.7.1999 issued by the licensing authority, Dhenkanal was filed by respondent. It was stated that he was issued with light motor vehicle license on 22.10.1998

corresponding to learning license No.2081. On 1.8.2000 he was issued with learning license and was authorized to drive heavy goods vehicle and passenger vehicle. Requisition fees has been paid and, therefore, the driver had a valid driving license. This plea was accepted by the District Forum.

The State Commission did not accept the appeal of the appellant on the ground that in view of the records produced by the respondent, there is no basis for repudiating the claim. The National Commission by the impugned order held that in view of the finding recorded by the State Commission which had verified the driving license of the driver Sachidananda Nayak, there was no scope for any interference.

4. It is pointed out by learned counsel for the appellant that a specific investigation was carried out by the Investigator i.e. one Mahesh Kumar Sahu who was appointed to verify the license in question. The investigator found that it was in the name of somebody else. Therefore, the District Forum as well as the State Commission and the National Commission should not have granted relief to the respondent.

5. Learned counsel for the respondent on the other hand submitted that the details supplied by the insured clearly indicated that driver had a valid driving license.

6. The controversy lies, as noted above, within a very narrow compass as to the person to whom D.L. No.1149 was issued. According to respondent it was issued to Sachidananda Nayak. But according to the information supplied by investigator of the appellant-company the license in question was issued to one Santosh Kumar Maharana. In view of the aforesaid background we feel it appropriate to set aside the impugned order of the District Forum, State Commission and the National Commission and remit the matter to the District Forum to verify the necessary data by calling for records from the licensing authority. The parties shall be permitted to place materials in support of their respective claim.

7. The appeal is allowed to the aforesaid extent.

.....J.
(Dr. ARIJIT PASAYAT)

.....J.

(ASOK KUMAR GANGULY)

New Delhi,
March 03, 2009