

ØITEM NO.117

COURT NO.10

SECTION XVII

SUPR EME COUR T OF I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 9129 OF 2003

M/S. PERFECT PRINTS

Appellant (s)

VERSUS

ORIENTAL INSURANCE CO. LTD.

Respondent(s)

(With office report)

WITH Civil Appeal NO. 5894 of 2004

(With office report)

Date: 23/07/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s) Mr. Dinesh Kumar Garg,Adv.

For Respondent(s) Mr. M.K. Dua,Adv.
Mr. Kishore Rawat, Adv.
Mr. Dhiraj, Adv.

UPON hearing counsel the Court made the following
ORDER

The Appeals are disposed of in terms of the signed order. No
costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[Signed Order is placed on the File]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 9129 OF 2003

M/s. Perfect Prints

..Appellant

versus

Oriental Insurance Co. Ltd.

..Respondent

WITH

CIVIL APPEAL NO. 5894 OF 2004

ORDER

Heard learned counsel for the parties.

These two appeals are being disposed of by a common

order.

It appears that the appellant had a factory in Agra, in which a theft took place on 12th March, 1994. The appellant lodged a First Information Report on 13.03.1994 and also brought it to the notice of the insurance company with which the factory was insured. According to the appellant, the incident took place within the period during which the factory was insured. On 16.3.1994 and 30.3.1994, the surveyors visited the premises and took photographs but did not settle the claim of the appellant.

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Since, the claim was not settled by the Insurance company, the appellant filed a Claim Petition before the U.P.State Commission Consumer Protection, Lucknow on 12 January, 1996 which was allowed in part by the State Commission vide its judgment dated 25 November, 1998. The State Commission apart from upholding the claim of Rs.11,20,479/- also awarded a sum of Rs.1,00,000/- for harrassment cost to the appellant and a cost of Rs.3,000/- and also granted interest @ 18% per annum.

The Insurance Company filed an appeal before the National Consumer Disputes Redressal Commission, New Delhi which has been disposed of by the National Commission by the order dated 10th February, 2003. The National Commission has rejected the claim of Rs.1,00,000/- on account of harassment compensation and also reduced the rate of interest from 18% to 12%.

On the facts of the case, we uphold the order of the State Commission for grant of Rs.1,00,000/- towards harrassment cost, in addition to the principal amount along with interest at the rate of 12% from the date of the order of the State Commission till payment along with pendente lite interest on the principal amount at the rate of 12% per annum from the date of the filing of the complaint till

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that date on which the principal amount was paid to the appellant. We also direct that the aforesaid payment shall be

made within two months from today.

The Appeals are disposed of in the above terms. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JULY 23, 2009.

.....J.
[V.S. SIRPURKAR]