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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7616 OF 2011  
(Arising out of SLP(C) No.13655 of 2011)

Karnail Singh

.....Appellant

Versus

United India Insurance Co. Ltd. and another

.....Respondents

O R D E R

1. Leave granted.

2. This appeal is directed against order dated 28.1.2011 passed by the National Consumer Disputes Redressal Commission (for short, 'the National Commission') summarily dismissing the application filed by the appellant for review of order dated 2.3.2010 passed in R.P. No.471/2010.

3. The complaint filed by the appellant claiming insurance amount in lieu of the damage caused to the vehicle owned by him was allowed by District Consumer Disputes Redressal Forum (for short, 'the District Forum') and the respondent was directed to pay Rs.2,62,723/- with interest with a stipulation that if the amount is not paid within 60 days of the receipt of the order, the same shall be realised with interest at the rate of 12 per cent per annum.

4. The State Consumer Disputes Redressal Commission (for short, 'the State Commission') allowed the appeal filed by the respondent and set aside the order of the District Forum. Simultaneously, the appeal filed by the appellant for payment of enhanced compensation was dismissed. The revision preferred by the appellant against the order of the State Commission was dismissed by the National Commission vide order dated 2.3.2010.

5. The appellant challenged the order of the National Commission in Special Leave Petition (C) No. 22271/2010, which was disposed

of by this Court on 16.8.2010 by recording the following order:

"After arguing the case for some time, learned counsel for the petitioner made a request that his client may be permitted to withdraw the special leave petition with liberty to seek review of the order under challenge on the ground that the National Consumer Disputes Redressal Commission did not consider his plea that even if there was violation of the insurance policy, he was entitled to have his claim treated as non-standard claim for the purpose of payment of compensation.

The special leave petition is disposed withdrawn with liberty in terms of the made.

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prayer

We also give liberty to the petitioner to raise other legally permissible grounds before the National Commission."

6. In furtherance of the liberty given by this Court, the appellant filed Review Petition No. 223/2010 setting out various grounds for reconsideration of order dated 2.3.2010. However, without even adverting to the grounds enumerated in the review application, the National Commission summarily dismissed the same by observing that it was highly belated and no good ground is made out for reconsideration of order dated 2.3.2010.

7. We have heard learned counsel for the parties and perused the record.

8. In our view, the order under challenge is liable to be set aside only on the ground that the same is devoid of reasons. Since the review application was filed by the appellant after seeking permission from this Court by pointing out that the plea raised by him in the revision petition had not been considered, the National Commission should have decided the same by passing a speaking order. Its failure to do so has resulted in miscarriage of justice.

9. In the result, the appeal is allowed, the impugned order is set aside and the matter is remitted to the National Commission with the direction that the review application be decided afresh by recording a speaking order.

.....J.  
(G.S. Singhvi )

.....J.  
( H.L. Dattu )

New Delhi;  
September 2, 2011  
ITEM NO.7

COURT NO.8

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).13655/2011

(From the judgement and order dated 28/01/2011 in RA No.223/2010 ,  
RP No.471/2010 of The NATIONAL CONSUMERS DISPUTES REDRESSAL  
COMMISSION, NEW DELHI)

KARNAIL SINGH

Petitioner(s)

VERSUS

UNITED INDIA INSURANCE CO. LTD. & ANR.

Respondent(s)

(With office report)

Date: 02/09/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. Mohit Kumar Shah,Adv.  
Mrs.Shilpi Shah, Adv.

For Respondent(s) Mr.A.K.Raina, Adv.  
Dr. Kailash Chand,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Court Master

( Signed order is placed on the file )