

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 549 OF 2002

KRISHNA SINGH & ANR.

Appellant (s)

VERSUS

L.I.C. OF INDIA, MUMBAI & ORS.

Respondent(s)

Date: 28/01/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR

HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. Ranjan Mukherjee, Adv.
Mr. S Bhowmick, Adv.
Mr. Avijit Bhattacharjee, Adv.

For Respondent(s) Mr. P.S. Patwalia, Sr. Adv.
Mr. A.V. Rangam, Adv.
Mr. Buddy A Ranganadhan, Adv.

Mr. B.K.Satiya, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeal is dismissed without any order as to costs.

[Charanjeet Kaur]
Court Master

[Vijay Dhawan]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 549 OF 2002

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.. Appellant(s)

Versus

L.I.C. of India, Mumbai & Ors.

.. Respondent(s)

ORDER

In this appeal, the order passed by the National Consumer Disputes Redressal Commission, New Delhi, (for short, 'the National Commission') is in challenge. By the impugned order, the National Commission had rejected the compliant filed on behalf of the appellants on the ground of limitation. According to the National Commission,

there was a delay of about 12 years in filing the complaint before it.

Learned counsel for the appellants, Shri Mukherjee urges that the National Commission has not considered the application for condonation of delay and it had the power to condone the delay under Section 24-A(2) of the Consumer Protection Act, 1986. We have seen the order. It is clear from the order that the National Commission has gone through the application and has specifically found in the following words :

..2/-

C.A. 549/2002...contd.

:2:

"Moreover, assuming the allegations to be correct the insured died in 1988 and this complaint filed on 31.10.2001 is barred by limitation. An application has been filed seeking condonation of delay but there is no sufficient cause mentioned as why there is delay of over 12 years."

It suggests that the National Commission specifically went through the question of limitation. The Commission undoubtedly has referred to some other facts regarding the original policy holder Anil Kumar Singh, being a fictitious person and there being disputes about his very existence.

Shri Mukherjee, submits that in that case, the National Commission should have waited for the outcome of the C.B.I. inquiry, which is in progress. We do not think so. The National Commission had the jurisdiction to consider the complaint as well as the condonation of delay application and the National Commission has given good reasons to reject the complaint on the basis of towering delay of 12 years. We also cannot forget the fact that the National Commission has referred to other allegations only by way of additional reasons. However, the National Commission has essentially

..3/-

C.A. 549/2002...Contd..

:3:

rejected the application on the ground of limitation. We do not find

any reason to interfere with the matter.

The appeal is dismissed without any order as to costs.

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

[R.M. LODHA]
.....J.

NEW DELHI,
JANUARY 28, 2009.