

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2647 OF 2022

CHUBB EUROPEAN GROUP SE & ANR.

Appellant(s)

VERSUS

NATIONAL INSURANCE CO. LTD. & ANR.

Respondent(s)

O R D E R

By the impugned order, the National Consumer Disputes Redressal Commission has purported to find no force in the preliminary objections which have been raised by the appellants and rejected the same. The preliminary objections which are seen dealt with by the NCDRC are:

- (1) The question as to whether the first respondent is a consumer under the Consumer Protection Act, 1986.
- (2) As to whether the claim of the respondent in question is barred by limitation.

After hearing Shri K. V. Vishwanathan, learned senior counsel for the appellants and Shri Joy Basu, learned senior counsel appearing on behalf of the respondent, we are of the view that we need not go into the questions which have been raised in this appeal against the impugned order. We reserve the right of the appellants to challenge the

impugned order after the disposal of the complaint itself. At the same time, we see merit in the contention of the appellants that the question as to whether the present complaint is one which should be dealt with by the Consumer Forum, having regard to the nature of the case and the procedure which is adopted under the Consumer Protection Act, 1986 which is summary must be gone into. Accordingly, we pass the following order:

We leave open right of the appellants to challenge the impugned order if it becomes necessary after the disposal of the Consumer Case No. 1/2010. We further leave it open to the appellants to raise the question which is found at iii as the preliminary issue at page 141 of the Civil Appeal paper book. Necessarily the Commission must deal with the said issue. The Commission will necessarily go into the preliminary Issue No. iii as prayed at page 141 as a preliminary issue.

The appeal is disposed of in the above terms.

....., J.  
[ K.M. JOSEPH ]

....., J.  
[ HRISHIKESH ROY ]

New Delhi;  
April 11, 2022.

ITEM NO.17

COURT NO.10

SECTION XVII-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 2647/2022

CHUBB EUROPEAN GROUP SE & ANR.

Appellant(s)

VERSUS

NATIONAL INSURANCE CO. LTD. & ANR.

Respondent(s)

(With IA No.49271/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT and IA No.49270/2022-CLARIFICATION/DIRECTION)

Date : 11-04-2022 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH  
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Appellant(s) Mr. K. V. Vishwanathan, Sr. Adv.  
Ms. Diya Kapur, Adv.  
Ms. Liz Mathew, AOR  
Ms. Bhagya K. Yadav, Adv.  
Mr. Navneet R., Adv.  
Ms. Vasudha Jain, Adv.

For Respondent(s) Mr. Joy Basu, Sr. Adv.  
Mr. Saurav Agarwal, Adv.  
Mr. Kanak Bose, Adv.  
Mr. Akash Roy, Adv.  
Ms. Lovina Rupia, Adv.  
Mr. Divya Hirawat, Adv.  
Mr. Vinay Kumar Misra, AOR

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

The appeal is disposed of in terms of the signed  
order.

Pending applications stand disposed of.

(NIDHI AHUJA)  
AR-cum-PS

(RENU KAPOOR)  
BRANCH OFFICER

[Signed order is placed on the file.]