

Saushish Diamonds Ltd.

Vs

National Insurance Co. Ltd.

Civil Appeal No. 2063 of 1996

(K. Ramaswamy, G.B. Pattanaik JJ)

08.04.1996

ORDER

1. The appellant has approached the National Consumer Disputes Redressal Commission for recovery of the loss of diamonds entrusted to the Commission Agent. The National Consumer Disputes Redressal Commission, New Delhi in its order dated 28-9-1995 passed the order holding that since the Insurance Company has repudiated the claim, it declined to grant the relief. Thus, this appeal.

2. Shri Harish Salve, the learned Senior Counsel for the appellant, contended that in view of the policy undertaken by the respondent, the Commission could have granted the relief, instead of relegating the appellant to a civil action. We find no force in the contention. We have gone through the stand taken by the respondent in the repudiation. The very interpretation of the policy itself is a subject-matter of the dispute. Under these circumstances, the Commission rightly relegated the parties to a civil action. It is true that limitation has run out against the appellant during the pendency of the proceedings. Therefore, the time taken between the date of the filing of the claim before the Commission and the date of its disposal, namely, 28-9-1995 would be considered by the civil court for exclusion under Section 14 of the Limitation Act, 1963. The appeal is accordingly dismissed.