

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s). 10435/2017

HARDEEP SINGH

Appellant(s)

VERSUS

THE NEW INDIA ASSURANCE CO. LTD.

Respondent(s)

O R D E R

Leave granted.

We have heard learned counsel for the parties.

By the impugned judgment and order passed by the National Consumer Disputes Redressal Commission, the claim of the appellant for the insurance amount was declined on the ground that there was a delay of 10 days in informing the insurance company about the theft of the vehicle and 3 days in filing a FIR.

The facts of this case disclose that the driver of the appellant was in hospital due to having been administered poison. As such he could not inform the appellant about the theft of the vehicle. This explains the delay of 3 days in filing FIR and also sufficiently explains the delay of 10 days in making the insurance claim.

In any event, we are of the view that given the peculiar facts and circumstances of the case, the delay of 10 days in

informing the insurance company is not such a huge delay as to disentitle the appellant from claiming any insurance amount.

Learned counsel for the appellant has relied upon the decision of this Court in *Amalendu Sahoo v. Oriental Insurance Company Limited* [(2010) 4 SCC 536] in which this Court held that for a breach of warranty / condition of policy including limitation as to use, the insured is entitled to 75% of the admissible claim. Therefore, the appellant in this case would be entitled to 75% of the admissible claim.

Learned counsel for the respondent has relied upon *Oriental Insurance Co. Ltd. v. Parvesh Chander Chadha* in Civil Appeal No. 6739 of 2010 decided on 17.08.2010. In our opinion, the facts of this case are completely distinguishable. Firstly there was a delay of about 5 months in making the claim and secondly the view of the insurance company was that because of the delay, it was not possible to carry out any investigation into the theft of the vehicle.

On the other hand, in so far as the present appeal is concerned, there was an investigation that was carried out. Even the Surveyor came to the conclusion that the vehicle of the appellant had been stolen.

Under the circumstances, in view of the decision in *Amalendu Sahoo* we set aside the orders passed by the National Commission as well as District Forum which dismissed the claim of the appellant.

The civil appeal is allowed.

75% of the claim amount be paid to the appellant within a

period of 8 weeks along with 9% interest from the date of claim.

.....J.  
[MADAN B. LOKUR]

.....J.  
[DEEPAK GUPTA]

NEW DELHI;  
AUGUST 11, 2017.

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(s). 10435/2017  
@ SLP(C) No. 1636/2017

HARDEEP SINGH

Appellant(s)

VERSUS

THE NEW INDIA ASSURANCE CO. LTD.

Respondent(s)

Date : 11-08-2017 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE DEEPAK GUPTAFor Appellant(s) Mr. M.K. Ghosh, Adv.  
Ms. Tina Garg, Adv.  
Mr. B. Ramana Murthy, AORFor Respondent(s) Mr. Navdeep Singh, Adv.  
Mr. Dharmendra Kumar Sinha, AOR  
Mr. Ravi Mehrotra, Adv.  
Mr. R.K. Sinha, Adv.

UPON hearing the counsel the Court made the following

## O R D E R

Leave granted.

The civil appeal is allowed in terms of the signed order.

Pending applications, if any, are disposed of.

(MEENAKSHI KOHLI)  
COURT MASTER(SHARDA KAPOOR)  
ASSISTANT REGISTRAR

[Signed order is placed on the file]