**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION NO.0I VISAKHAPATNAM: AP**

**CONSUMER COMPLAINT NO. /2021**

**IN THE MATTER OF:**

1. Nammi Venkata Rao

S/o Ramulu (Late), aged 47 years,

D. No 9-40-22, Nammivanipeta,

Chittivalasa Post, Bheemunipatnam Mandal,

Visakhapatnam District- 531162

Occupation: Transport

… **COMPLAINANT**

**AND**

1. The Cholamandalam MS General

Insurance Company Limited,

represented by its Authorized Person,

registered and Head Office, 2nd Floor,

Dare House, 2 NSC Bose Road,

Chennai-600001, Tamil Nadu

1. The Cholamandalam MS General

Insurance Company Limited,

represented by its Authorized Person,

Branch Office, H.No 40-1-48/1, 2nd Floor,

Beside Centro, Opp Airtel Office,

Near DV Manor Hotel, MG Road,

Vijayawada-520010, Krishna (Dist),

Andhra Pradesh

1. Cholamandalam MS General

Insurance Company Limited,

represented by its Authorized Person,

D. No 26-1-19, Opp MSR High Tech

Bus Stand Kambala Peta,

Rajahmundry- 533103, East Godavari Dist,

Andhra Pradesh

… **OPPOSITE PARTIES**

**COMPLAINT UNDER SECTION 35 of THE CONSUMER PROTECTION ACT, 2019**

**RESPECTFULLY SHOWETH:**

1. The address of the Complainant for the purpose of service of summons, notice etc is as shown in the cause title above and that of his counsel
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. The opposite parties are the branch offices of the Insurance Company The Cholamandalam MS General Insurance Company Limited. Each branch office is represented by its authorized person i.e the Manager.
4. The opposite parties have advertised themselves to be best insurance agents covering wide areas under insurance.
5. The complainant thus after consulting with one of the staff of the opposite party has expressed his interest in purchasing an insurance policy for his vehicle, TATA Ace bearing Registration No AP 31 TP 4183. He purchased the policy type: Goods Carrying Vehicle for a sum of Rs.3,20,000 and the period of Insurance is from 26/10/2019 to 25/10/2020 vide Policy Number (3379/02530876/000/00). As per the Certificate of Registration of the said vehicle the seating capacity is 2.
6. The complainant on 20/02/2020 in the morning hours was going in the said vehicle from the fields of Saragada Suribabu of Gudivada to Gudivada Village with paddy bags and dry hey/paddy dry grass. On the way accidentally the electric wires touched the load on the said vehicle and caught fire. The complainant immediately reported the matter to the Station Fire Officer, A.P State Disaster response and Service Department, Fire Station, Vizianagaram and during the said accident the said vehicle and the load on it got completely burnt.
7. The complainant reported the accident to the Police at the Bhogapuram Police Station who registered the FIR/ Crime No.29/2000 on 22/02/2020.
8. The estimated damages to the said vehicle was Rs. 5,75,762 and the capacity of the vehicle was about 900 kgs. The loss sustained of the goods is Rs. 10,000, four paddy bags which cost Rs.6,000 and the paddy dry grass cost Rs.4,000. The goods carried weighed 620 kgs, four paddy bags (each about 80kgs i.e, a total of about 320kgs) and paddy dry grass (about 300 kgs) which is well within the capacity of the said vehicle.
9. The complainant has thus approached the opposite party to claim the Insurance and has submitted all the claim forms along with necessary enclosures like FIR copy, Fire Attendance Certificate, M.V. Inspector’s Report, Photographs of the Accident, Insurance Policy issued by the opposite parties, Complainant’s Vehicle Registration Certificate, Driving License of the Complainant, Aadhar Card and Estimate of Damages etc. as per the requirement of the opposite parties.
10. The opposite parties have repudiated the claim through a letter dated 03/04/2020 on the ground that at the time of the accident there were three persons traveling in the said vehicle, whereas it was meant to carry two passengers only.
11. The complainant has no other vehicle to ply on and his livelihood depended on it. Also, the complainant has taken a loan from HDFC bank for purchase of the vehicle which is still due. Thus, the claim for the insurance is very much important to the complainant. However, the opposite parties did not reply hence the complainant filed this complaint for the deficiency of service against the opposite parties.
12. **CAUSE OF ACTION**: The accident occurred 20/02/2020. The complainant reported and got the FIR registered on 22/02/2020. The opposite party repudiated the claim through a letter dated 03/04/2020, is when the cause of action arose. The legal notice was sent to the opposite party on 13/07/2020, and there was no reply after that.
13. **JURISDICTION**: The consideration amount of the dispute is less than Rs. 50 lakhs and the complainant resides within the territorial limits of this Hon’ble Commission. Hence this Hon’ble Commission has jurisdiction to try and entertain this complaint.
14. **LIMITATION**: The present complaint is being filed within the period of limitation as prescribed under section 69 of the Act, 2019.
15. **COURT FEE**: As per Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, the requisite court fee has been paid.

**EVIDENCES:**

A1- Certificate of Registration of the vehicle

A2- Policy Number (3379/02530876/000/00)

A3- Copy of FIR/ Crime No.29/2000 dated 22/02/2020.

A4- Fire Attendance Certificate

A5- M.V. Inspector’s Report

A6- Photographs of the Accident

A7- Aadhar Card

A8- Driving License of the Complainant,

A9- Estimate of Damages

**PRAYER**:

The complainant therefore prays to direct the opposite party:-

1. To Pay Rs.5,85,762/- towards estimated damages;
2. To Pay Rs.3,60,000/- towards loss of earnings i.e. Rs. 30,000/- p.m x 12 months from March, 2020 to February 2021;
3. To Pay interest at the rate of 24% p.a. on Rs. 9,45,762 (on the above total amount) from the date of the accident i.e, from 22/02/2020 to till date of realization of the amount;
4. To Pay Rs.10,000/- towards damages of the goods in the vehicle;
5. To Pay Rs. 2,00,000/- towards Compensation;
6. To Pay Rs. 1,00,000/- towards costs of the complainant;
7. Such other relief or reliefs which the Honourable Forum deemed fit, just and proper in the circumstances of the case.

**PLACE**: Signature

**DATE**:

**VERIFICATION**:

I , Nammi Venkata Rao s/o Ramulu (late) aged 47 years is a resident of D. No 9-40-22, Nammivanipeta, Chittivalasa Post, Bheemunipatnam Mandal, Visakhapatnam District- 531162 hereby declare that I have not misrepresented any facts nor have tried to hide any information in my above complaint. All the facts mentioned herein are true to the best of my knowledge.

Name & signature of the complainant