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

**CONSUMER COMPLAINT NO. /2020**

**IN THE MATTER OF:**

1. Ariga Appalakondamma

w/o Late Surya Rao, aged 55 years,

D. No. 2-2-14, K.N.R. Peta,

Anakapalli Mandalam,

Visakhapatnam- 531019

1. Obireddy Leelavathi

w/o Venkata Rao, aged 38 years,

D. No. 2-2-14, K.N.R. Peta,

Anakapalli Mandalam,

Visakhapatnam- 531019

1. Karri Venkata Lakshmi

w/o Srinivasa Rao, aged 40 years,

D. No. 2-2-14, K.N.R. Peta,

Anakapalli Mandalam,

Visakhapatnam- 531019

1. Balireddy Ganga Bhavani

w/o Late Ramu, aged 40 years,

D. No. 2-2-14, K.N.R. Peta,

Anakapalli Mandalam,

Visakhapatnam- 531019

1. Ariga Nooka Suri Appa Rao

s/o Late Surya Rao, aged 37 years,

D. No. 2-2-14, K.N.R. Peta,

Anakapalli Mandalam,

Visakhapatnam- 531019

1. Ariga Kanna Rao

s/o Late Surya Rao, aged 36 years,

D. No. 2-2-14, K.N.R. Peta,

Anakapalli Mandalam,

Visakhapatnam- 531019

… **COMPLAINANT**

**AND**

1. United India Insurance Company Ltd.,

rep. by its Senior Branch Manager,

D. No. 3-7-9, 2nd floor,

Opposite to SBI Main Branch, Nehru Chowk,

Anakapalli, Visakhapatnam District- 531001

… **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.
2. The address of the Opponents for the very purpose is the same as shown in the cause title above.
3. The complainants are the wife and the children of late Ariga Surya Rao hereinafter referred to as “Deceased Life Assured (DLA)” for the sake of convenience. The DLA is the owner of the MotorCycle bearing No. AP31CB5987.
4. The complaints submits that the said vehicle was insured with the opposite party vide Policy No. 1503043119P102961984 valid from 04/06/2019 to 03/06/2020. The policy covers 3rd party liability and personal accident coverage for Rs.15,00,000 for driver cum owner.
5. The complainants further submits that on 26/06/2019 the insured vehicle met with an accident in which the DLA received injuries. Immediately, he was shifted to NTR Hospital, Anakapalli and from there to MB Hospital, Visakhapatnam and back to NTR Hospital, Anakapalli where the DLA succumbed to injuries and died on 01/07/2019.
6. The complainants further submit that they have lodged a claim with the opposite party on 03/07/2019 by submitting the necessary documents as required by the opposite party.
7. The complainants further submit that the opposite party has repudiated the claim through a letter dated 29/07/2019 stating the reason that the number of the vehicle mentioned in the FIR was not insured with the opposite party.
8. The complainant has further persuaded the opposite party that the vehicle number was wrongly mentioned in the FIR, however, the vehicle in which the accident occurred has been insured with the opposite party and the same is mentioned in the charge sheet. But the opposite parties have refused to grant the claim.
9. The complainant aggrieved by the service of the opposite party has filed this complaint.
10. **CAUSE OF ACTION**: The cause of action in the present case arose when the opposite party repudiated the claim on 29/07/2019.
11. **JURISDICTION**: The consideration amount for the insured amount 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.
12. **LIMITATION**: That the present complaint is being filed within the period of limitation as prescribed under section 69 of the Act, 2019.
13. **COURT FEE**: As per Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules 2020, the requisite court fee has been paid.

**EVIDENCE:**

A1- Policy Copy bearing No. 1503043119P102961984

A2- Certificate of Registration (‘C’ Book) relating to DLA

A3- Driving License of DLA

A4- FIR copy

A5- Report of Postmortem Examination

A6- Inquest Report issued by SHO, Traffic Police Station, Anakapalli

A7- Family Member Certificate

A8- Repudiation Letter by the Opposite Party

**PRAYER**:

The complainant therefore prays to direct the opposite party :-

i) To pay Rs.15,00,000 with an interest @12% p.a. From the date of death of i.e, 01/07/2019 to till date.

ii) To pay Rs.3,00,000 towards compensation

iii) To pay Rs.10,000/- towards costs

iv) Such other relief or reliefs which the Honourable Forum deemed fit, just and proper in the circumstances of the case.

**PLACE**: Signature

**DATED**:

**VERIFICATION**:

I , Ariga Appalakondamma w/o Late Surya Rao, aged 55 years, and on behalf of Obireddy Leelavathi w/o Venkata Rao, aged 38 years, Karri Venkata Lakshmi w/o Srinivasa Rao, aged 40 years, Balireddy Ganga Bhavani w/o Late Ramu, Ariga Nooka Suri Appa Rao s/o Late Surya Rao, aged 37 years, aged 40 years, Ariga Kanna Rao s/o Late Surya Rao, aged 36 years, all of us residing at D. No. 2-2-14, K.N.R. Peta, Anakapalli Mandalam, Visakhapatnam- 531019 do 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