BEFORE THE HON’BLE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION AT THANE DISTRICT

IN RE: COMPLAINT No..................of 20.....

Kapil Devidas Kamble

Age: 35

Gender: Male

Email: kapil.kamble@email.com

Mobile Number: 9876543210

Occupation: Software Engineer

Address: Flat No.1, Laxmi Apartment, Avinash, Gaikwad Nagar, Gavdevi Road, Near Shiv Mandir, Kulgaon, Thane – 421 503

................ COMPLAINANT

Vs.

Future General Insurance Co. Ltd.

Shop No.404/06, 4th Floor, Sun Magnetica Bldg., Off. Service Road, Eastern Express Highway, Next to Thane RTO, Louiswadi, Thane(W) 400 604.

Sahar Plaza, Windfall, 4th Floor, 401/403, J.B.Nagar, Andheri-Kurla Road, Andheri(E), Mumbai 400 059.

Indiabulls Finance Centre, Tower – 3, 6th Floor, Senapati Bapat Marg, Elphinstone (W), Mumbai – 400 013.

............. OPPOSITE PARTY

COMPLAINT UNDER SECTION 35 of CONSUMER PROTECTION ACT

RESPECTFULLY SHOWETH

INTRODUCTION:

Kapil Devidas Kamble, herein the complainant, is a 35-year-old male residing at Flat No.1, Laxmi Apartment, Avinash, Gaikwad Nagar, Gavdevi Road, Near Shiv Mandir, Kulgaon, Thane – 421 503. He is employed as a software engineer. The complainant can be reached via email at kapil.kamble@email.com and by phone through his mobile number, 9876543210.

The opposite party in this matter is Future General Insurance Co. Ltd., a registered insurance company with its place of business located at the addresses provided earlier in this complaint. The complainant contends that the opposite party unjustly rejected his insurance claim related to his stolen vehicle, which was insured under policy number POL-348-XY-9087-ZQD, despite his adherence to the prescribed claim filing protocol and timely premium payments.

Description of the Deal and Services Promised:

In April 2019, the complainant purchased a vehicle, a 2018 Maruti Suzuki Swift, bearing the registration number MH-06-AZ-2872, from Shree Automotive Dealership, Thane. In pursuit of securing the said vehicle, the complainant procured a private car insurance policy from the opposite party, Future General Insurance Co. Ltd., the following month, in May 2019. The insurance policy, marked under the policy number POL-348-XY-9087-ZQD, required a premium payment of Rs. 19,569, which the complainant satisfactorily transacted using his credit card.

The insurance policy, effective from May 2019 through to May 2020, was comprehensive in nature, extending coverage to include theft, fire, and accident damage among other potential vehicular risks, thereby promising a broad spectrum of protection against common and uncommon perils associated with vehicle ownership.

TRANSACTION:

On discovering the absence of his vehicle, a 2018 Maruti Suzuki Swift registered under MH-06-AZ-2872, from its designated parking spot on the morning of 25th September 2019, the complainant initiated an immediate search in the vicinity and inquired with neighboring residents, albeit to no avail. Acknowledging the situation as a theft, the complainant proceeded to report the incident to the local police station, where an FIR was officially filed (FIR number MH06/092019/FIR2872) on the same date, thus formalizing the theft report.

In adherence to the stipulated procedure for such incidents as outlined in his insurance policy, the complainant then communicated the theft to Future General Insurance Co. Ltd., utilizing the online claims portal provided by the insurance company. This notification was submitted on 27th September 2019, accompanied by all requisite documents, including but not limited to the copy of the FIR, aiming to facilitate a smooth claim process. Contrary to expectations and without detailed justification, the complainant's initiative was met with a claim rejection notice from the insurance company, thus forming the basis of this complaint.

NATURE OF COMPLAINT:

The grievance arises from the unfair rejection of the insurance claim by the opposite party, which constitutes not only a deficiency in service but also unfair trade practices under the Consumer Protection Act. The acts of the opposite party have caused financial loss and mental agony to the complainant.

RECTIFICATION:

Despite the complainant's attempts at amicable resolution, including written communication with the opposite party outlining the unjust nature of the claim rejection, no satisfactory response or solution has been provided by them. The complainant is now compelled to seek redress through this Hon’ble Commission.

CAUSE OF ACTION arose on 25/09/2019, the date of the theft, and was further solidified by the subsequent unjust rejection of the claim on 27/09/2019 by the opposite party.

LIMITATION: The complaint is being filed within the period prescribed under section 69 of the Act, 2019.

EVIDENCES:

The complainant will rely upon the following evidence to substantiate his case:

• Copy of the insurance policy.

• Proof of premium payment.

• Documentation of the claim submission and rejection.

• Correspondence with the insurance company seeking remedy.

TERRITORIAL JURISDICTION:

The complainant and respondent reside within the jurisdiction of this Hon'ble Commission. Hence, this Hon'ble Commission has jurisdiction to try and entertain this complaint.

PECUNIARY JURISDICTION:

As the amount of consideration is below Rs 50 lakhs, this Hon'ble Commission has jurisdiction to entertain this complaint.

PRAYER:

The complainant prays:

i) That the Hon’ble Commission directs the opposite party to settle the insurance claim as per the terms of the policy for the stolen vehicle, registered under MH-06-AZ-2872.

ii) Compensation for mental agony and harassment be awarded to the complainant.

iii) Reimbursement for legal costs incurred in pursuing this complaint.

iv) Any other relief that the Hon’ble Commission may deem fit and proper in the circumstances of the case.

PLACE: Thane

DATED:

Signature

Kapil Devidas Kamble

VERIFICATION:

I, Kapil Devidas Kamble, hereby declare that the contents of this complaint are true to my knowledge and belief and no material fact has been concealed or misrepresented.

Name & Signature of the Complainant