**BEFORE THE DISTRICT CONSUMER DISPUTES REDRESSAL COMMISSION NORTH GOA AT PORVORIM**

Consumer Complaint No. \_\_\_\_\_\_of 20\_\_\_

BETWEEN

Firsat Ali Khan B-7, KGN House,

Occupation: A retailer of fresh vegetables and fruit

Age 34 years,

Kayji Residency Near Curti Panchayat Office,

Curti, Ponda Goa ...Complainant

V/s

Cholamandalam MS General Insurance Co.Ltd.

203, Dempo Trade Centre,

Patto, Panajim, Goa – 403001 ...Opposite Parties

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

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. Herein the above-named Complainant most respectfully submits as under,
4. That the Complainant is the owner of a TATA vehicle bearing Registration No. GA-05-T- 5760 which was purchased on 28/11/2020 and duly registered on 2/12/2020. The said vehicle is under hypothecation agreement dated 13/10/2020 with Indusind Bank Ltd., Panaji Goa Branch.
5. That the Complainant insured the said vehicle on 30/11/2020 with the Opposite Party No.1 vide policy no. 3379/0282569/000/00 valid upto 29/11/2021.
6. That on 31/10/2021 at around 11.45 hrs, while the vehicle was traveling from Bhiwandi to Goa, it suddenly caught fire at Kamtheghat Chiplun, Maharashtra. The cause of the fire was the jamming of the liner at the backside of the vehicle which led the tire to catch fire and engulf the entire vehicle.
7. That the driver of the vehicle Mr. Jarrar Khan bearing valid driving license no. UP4720020000221 has no role or fault in the incident. There was no rash or negligent driving by him when the vehicle caught fire due to an external factor.
8. That the Complainant duly intimated the incident on 31/10/2021 through the Opposite Party's toll-free number and the claim was registered as Claim No. 3379350022. However, there was no response from the Opposite party.
9. That the Complainant sent a legal notice dated 13/01/2022 to the Opposite Parties by registered AD post requesting claim settlement within 10 days. However, the Opposite Party's representative Mr. Eknath More sent an email dated 20/01/2022 denying the claim processing.
10. That the arbitrary, unilateral and illegal denial of the Complainant's rightful insurance claim amounts to gross deficiency in service and unfair trade practice by the Opposite Parties.

IV] **Cause of Action**;

1. The Cause of Action to file this complaint first arose when Mr. Eknath More sent an email dated 20/01/2022 denying the insurance claim processing of the Complainant.

V **Limitation**

1. That the present complaint is being filed within two years from the date of cause of action i.e date of the incident, as prescribed under section 69 of the Act, 2019

VI]   **Jurisdiction:**

1. The complainant resides within the jurisdiction of this Hon'ble Court, so also the opponent’s society is situated within the jurisdiction of this Hon'ble Court. Hence this Hon'ble Court has got jurisdiction to try and entertain this complaint. The consideration amount in this Complaint is less than Rs.50,00,000/-.

VII]  **Court Fees:**

1. In line with Rule 7 of Consumer Protection (Consumer Dispute Redressal Commission) Rules, 2020, no court fee has been paid as the value of the impugned product is less than Rs 5 lakhs, and stipulated three copies of the complaint have been submitted.

**VIII. Prayer**

It is therefore most humbly prayed that setting all the contentions of the Opponents if any an order may kindly be passed against the Opponents in the following terms,

1. Direct the Opposite Parties to pay the Complainant the full insured amount of vehicle bearing registration no. GA-05-T-5760 of Rs. 5,00,000/- with interest @ 18% p.a. from the date of repudiation till realization.
2. Direct the Opposite Parties to pay Rs. 1,00,000/- as compensation for mental harassment and agony caused to the Complainant.
3. Direct the Opposite Parties to pay Rs. 25,000/- as litigation costs.
4. Pass any other order as deemed fit in the interest of justice.

Panaji

Date Advocate for Complainant

**Verification**

Herein I, Firsat Ali Khan, do hereby state on the solemn affirmation that the contents of the above paragraphs are read over and explained to me in my vernacular, and the same are found to be true and correct to the best of my knowledge, belief and information.

**PORVORIM**

**Date Complainant**