

**NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION  
NEW DELHI**

**REVISION PETITION NO. 4198 OF 2008**

(Against the Order dated 07/07/2008 in Appeal No. 805/2008 of the State Commission Karnataka)

1. NEW INDIA ASSURANCE CO. LTD.

Regional Office -I Jeevan Bharti Tower-II Level -5 124,  
Connaught Circus,  
New Delhi -110001  
Delhi

.....Petitioner(s)

Versus

1. KUMAR

Son of Sh. Ramesh setty Village Kattihalli P.O. Gavenahally  
Kasaba - Hobli  
Hasan  
Karnataka

.....Respondent(s)

**BEFORE:**

**HON'BLE MR. JUSTICE D.K. JAIN, PRESIDENT  
HON'BLE MRS. M. SHREESHA, MEMBER**

**For the Petitioner : MR. ABHISHEK KUMAR**

**For the Respondent : MR. SHAILESH MADIYAL**

**Dated : 07 May 2015**

**ORDER**

The issue raised in the present Revision Petition by the New India Assurance Co. Ltd., viz. whether the State Commission was justified in awarding compensation to the Respondent/Complainant on non-standard basis on account of overloading of the vehicle in question, stands concluded by a decision of the Hon'ble Supreme Court in National Insurance Co. Ltd. vs. Nitin Khandelwal – (2008)11 SCC 259 and order dated 5.1.2015 passed by this Commission in Bherajram vs. United India Insurance Co. Ltd. - R.P. No.2573/2008, in which a reference has been made to the instructions issued by the Insurance Company vide letter dated 6.3.1995.

In view of the said decisions, no ground is made out to interfere with the impugned order. Accordingly, Revision Petition is dismissed with no order as to costs.

It is stated that 50% of the amount awarded by the State Commission has been deposited by the Insurance Company with the District Forum. If that be so, the said amount, along with interest, if any, shall be released to the Respondent on his moving the District Forum, forthwith. The balance amount shall be paid by the Insurance Company to the respondent within four weeks from the date of receipt of a copy of this order.

.....J  
**D.K. JAIN**

**PRESIDENT**

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**M. SHREESHA**

**MEMBER**