

July 2024

INSURANCE

INSIGHT

NCDRC examines delay in intimation of theft to police



ANIMESH SINHA & PARTNERS
ADVOCATES & SOLICITORS

NCDRC examines delay in intimation of theft to police

The Hon'ble NCDRC in the case of the National Insurance Co. Ltd. v. Mohd. Sallauddin. Revision Petition No.803 of 2020. The present revision petition was filed against concurrent findings of the Learned SCDRC and Learned DCDRC. In this case, there was a delay of 27 days for filling the FIR and an additional 30 days in informing the insurance company.

Hon'ble NCDRC observed, that there was a theft of vehicle, and it was also a fact that there was a delay of 27 days in intimating the police.

NCDRC relied on the judgment of the Hon'ble Supreme court of India Gurshinder Singh v. Shriram General Insurance Co. Ltd, Civil Appeal No. 653/2020 as per which in matters related to theft of a vehicle, the insured shall give immediate notice to the police. If the police recover the stolen vehicle after an FIR is filed, the insured cannot claim compensation from the insurance policy. A claim can only be made when the police is unable to recover the vehicle and provide a final report stating it is untraceable.

The Hon'ble NCDRC in the present case, set aside the orders of District Forum and SCDRC as wrong as it suffers from illegality as both the forums have wrongly interpreted the orders of Hon'ble Supreme Court by applying principles of delay in intimation to insurance company to delay in intimating the police.



D106 SF Defence Colony
New Delhi - 110024



asp@sinhapartners.com
www.sinhapartners.com



+91 11 41 046 911
+91 11 40 536 008