

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO(S). 6040-6041/2011

AJITSINH MALUBHAI GHUMMAD ETC.

APPELLANT(S)

VERSUS

UNION OF INDIA & ORS.

RESPONDENT(S)

O R D E R

The challenge in the present appeal is to an order passed by the National Consumer Dispute Redressal Commission (Commission) on 26.01.2009, whereby the revision petitions filed by the appellants were dismissed.

The appellants are farmers and have invoked the jurisdiction of the District Dispute Consumers Redressal Forum, Anand (District Forum) claiming the insurance safety amount of Rs.1,43,000/- with 15 percent interest due to failure of paddy crop in their field in the monsoon season in the year 2001.

A reading of the order of the District Forum shows that the appellants have asserted that the first rain of the monsoon season for the paddy crop was satisfactory, but the second rain was not sufficient to irrigate the fields. Thus, due to insufficient rain, irrigation facilities could not be resorted to on their land. It is further stand of the appellants that due to non-availability of water facility for irrigation, crop failed.

The learned District Forum, *inter alia* found that the threshold yield i.e. assured produce is 1124 kilogram per hector

whereas actual produce per hector of paddy crop is 1507 kilogram. Therefore, the appellants have not suffered any loss. The complaint was thus dismissed. Such order of the District Forum was not interfered with in appeal by the State Consumer Dispute Redressal Commission and later in revision by the Commission.

The scheme of the Insurance has been produced by the appellants as Annexure P-1. Clause 13A of the Scheme contemplates that the indemnity procedure in case of occurrence of localized perils, such as hailstorm, landslide, cyclone and flood where settlement of claim will be on individual basis. Clause 13A reads as under:-

"13A. INDEMNITY IN CASE OF LOCALISED RISKS:

Loss assessment and modified and modified indemnity procedures in case of occurrence of localized perils, such as hailstorm, landslide, cyclone and flood where settlement of claims will be on individual basis, shall be formulated by IA in coordination with state/UT. Govt.

The loss assessment of localized risks on individual basis will be experimented in limited areas, initially and shall be extended in the light of operational experience gained. The District Revenue administration will assist IA in assessing the extent of loss."

The appellants could not refer to any clause in the scheme that if the yield is less due to insufficient rains, that deficiency would be covered under the scheme of insurance. Still further, the actual yield was more than the threshold yield in the area in question, still further, all the three forums have taken a concurrent view that the appellants have failed to prove any loss, which is covered by the scheme of insurance.

In view of the said fact, we do not find any error in the

orders passed by the Fora under the Consumer Protection Act, 1986.

Consequently, the appeals are dismissed.

Pending application(s), if any, also stand disposed of.

..... J.
(HEMANT GUPTA)

..... J.
(A.S. BOPANNA)

NEW DELHI;
AUGUST 11, 2021.

ITEM NO.104 Court 13 (Video Conferencing) SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 6040-6041/2011

AJITSINH MALUBHAI GHUMMAD ETC.

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date : 11-08-2021 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE A.S. BOPANNA

For Appellant(s) Mr. Rajiv Shankar Dvivedi, AOR
 Mr. Pravin Satale, Adv.
 Mr. Rishabh Jain, Adv.
 Mr. Sushant Kr. Sarkar, Adv.
 Ms. Arti Dvivedi, Adv.

For Respondent(s) Mr. Ajit Kumar Sinha, Sr. Adv.
 Mr. P.V. Yogeshwaran, Adv.
 Mr. Divyansh H. Rathi, Adv.
 Mr. Sansriti Pathak, Adv.
 Mr. Amrish Kumar, AOR

Mr. P. K. Manohar, AOR
Mr. Aniruddha P. Mayee, AOR

Mr. R.S. Suri, ASG
Ms. Vijayshree Pattnaik, Adv.
Mr. P.V. George, Adv.
Ms. Sansriti Pathak, Adv.
Mr. Divuanshu, Adv.
Mr. Nigam, Adv.
Mr. B.V. Balaram Das, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed order.
Pending application(s), if any, also stand disposed of.

(SWETA BALODI)
COURT MASTER

(ANITA RANI AHUJA)
ASSTT. REGISTRAR

(Signed order is placed on the file)