**Before The District Consumer Dispute Redressal Forum At Shimla**

Complaint No.: \_\_\_\_\_\_ of 2004

Complainant

Versus

Respondents

Complaint under Section 12 of The Consumer Protection Act 1986

Respectfully Sheweth:

1.   That the relevant facts and the facts leading to filing of present complaint are given in brief hereunder in chronological order for the convenience of your honour :-

Date \_\_\_\_\_\_

Events \_\_\_\_\_\_

2.      \_\_

GROUNDS

3.   That the above being the background of the case, the complainant is entitled to maintain and file the present complaint before this Hon'ble Forum on the following grounds amongst others, each one of which is without prejudice to others, and seeks the indulgence of this Hon'ble Forum to issue directions or orders to the opposite parties deemed appropriate :-

(a)  That such an act and omission on the part of the opposite parties amounts to deficiency in service, restrictive trade practice and unfair trade practice under the purview of the Consumers Protection Act.

(b)   That the respondents can not be permitted to reap the fruits of their own wrong, i.e.; the deceased has sent a cheque well within the stipulated period alongwith penal interest.  The respondents have encashed the same.  Now it does not lie in the mouth of the respondents to say that the encashment was made by them belatedly and therefore, this disentitles the complainant from getting the benefits of insurance.

(c)   The respondents have taken hypertechnical view of the matter.  The plea taken by the respondents for not allowing the claim of the complainant is based on flimsy and unconscionable grounds, which is not sustainable in the eyes of law.  The plea taken by the respondents is against the well settled principles of law laid down by the Hon'ble Apex court and various high courts. That the respondents can not be allowed to raise such a hypertechnical objection for rejection of the claim of the complainant at this stage.

(d)   That it was incumbent upon the respondents to pay the death claim immediately otherwise, the very purpose of getting insurance is frustrated. After all what does a man insure himself  for - undoubtedly to save his family from immediate financial crisis in the event of his death which is unforeseen  and not to run the business of the respondents.

(e)   That the complainant being a public undertaking authority cannot adopt the measures and policy of unjust enrichment by repudiating and rejecting the legitimate, just and righful claims of the complainant on hypertechnical grounds.

(f)  That the complainant has suffered lot of avoidable mental agonies, physical harassment and financial loss, irreparable loss and injury at the hands of the opposite parties for which the complainant deserves to be amply and suitably compensated in terms of money in the interest of justice.

(g)    That the opposite parties deserves to be saddled with heavy and extra-ordinary costs so that the opposite parties can be deterred from adopting such mal-practice in future.

(h)   That the complainant herein deserves to be amply compensated in terms of money for the inconvenience, traveling expenses, for mental agonies, damages, delayed service/no service, interest, and loss suffered due to negligence and dereliction of duties by the opposite parties.

4.    That the complaint is within the period of limitation.

5.    That this Hon'ble Forum has a jurisdiction to entertain and to try the complaint as the headquarters of both the complainants and the opposite parties are with in the jurisdiction of this Hon'ble Forum.

6.   It is, therefore, prayed that this Hon'ble Forum may be pleased to pass the following orders, directions and grant the following reliefs in favour of The complainants in the interest of justice :-

(a)  Direct the opposite parties to \_\_\_\_\_ alongwith interest @ 24% from the date of payment till realisation;

(b)   Saddle the opposite parties with special and extra-ordinary costs as deemed fit so as to deter them from adopting such malpractice in future;

(c)    Award a compensation of Rs 10,000/- to the complainant on account of mental agony, physical harassment, and financial loss;

(d)   Allow the cost of this complaint;

(e)    Pass such other orders in favour of the complaints as deemed fit and proper in the facts and circumstances of the case.

AND FOR THIS ACT OF KINDNESS, THE HUMBLE APPLICANTS AS IN DUTY BOUND, SHALL EVER PRAY.

Shimla                                                                          Complainant

\_\_\_\_\_\_                                                                           Through, Advocate

**BEFORE THE DISTRICT CONSUMER DISPUTE REDRESSAL FORUM**

**AT SHIMLA**

Complaint No:\_\_\_\_\_\_ of 2004

Complainant

Versus

Respondents

Affidavit in support of complaint Under Section 12 of the Consumer Protection Act 1986

I,\_\_\_\_\_\_, do hereby solemnly affirm and declare as under :

1.   That the accompanying complaint has been prepared under my instructions.

2.   That the contents of paras 1 to \_\_\_\_\_  of the complaint are correct and true to the best of my knowledge.

3.   That I further solemnly affirm and declare that this affidavit of mine is correct and true to the best of my knowledge and no part of it is false and nothing material has been concealed therefrom.

          Affirmed at Shimla this the \_\_\_\_\_\_.

Deponent

**BEFORE THE DISTRICT CONSUMER DISPUTE REDRESSAL FORUM**

**AT SHIMLA**

Complaint No: \_\_\_\_\_\_ of 2004

Complainant

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Shimla                                                                                      Complainant

\_\_\_\_\_                                                                                      Through, Advocate