

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2019
@ out of C.A. (Dy.No.40784/2018)

NATIONAL INSURANCE COMPANY LTD.

Appellant(s)

Versus

RAHUL KHOSLA

Respondent(s)

O R D E R

Delay condoned.

This appeal under Section 23 of the Consumer Protection Act, 1986 is directed against the final judgment and order dated 02.08.2018 passed in Consumer Complaint No.209 of 2013. In the aforesaid complaint, the complainant had prayed for compensation for loss sustained in an incident of fire. It was submitted that despite being fully covered by the insurance policy taken by the insured-complainant, the appellant had refused to honour the commitment.

In the instant case, the fire occurred on 11.02.2012. Initially, a Surveyor appointed by the appellant had prima facie ascertained the loss to be Rs.1.5 crores. After detailed analysis, the Surveyor, however, ascertained the actual loss at Rs.49.30 lakhs. The assessment so made by the Surveyor was accepted by the respondent-complainant.

However, the appellant vide its communication dated 27.09.2013 repudiated the claim on the ground that after subsequent investigation, it was found that one Devinder

Paul Gaba had an interest in the premises in question.

Upon the claim being repudiated, the respondent approached the National Commission by preferring the aforesaid complaint. The National Commission, after hearing both sides concluded that the repudiation by the appellant was not justified. It further stated that the repudiation itself was issued after a year and seven months.

We have heard the learned counsel for the appellant and the respondent.

In our considered view, the assessment made by the National Commission is absolutely right. There was no reason or justification for the appellant to repudiate. In any case, the repudiation was given after a year and seven months. The complaint was therefore rightly accepted by the National Commission which held the respondent to be entitled to Rs.49.30 lakhs with interest @ 9%.

We see no reason to interfere in matter. The Civil Appeal is therefore, dismissed. No costs.

Pending applications, if any, also stand disposed of.

.....J.
[UDAY UMESH LALIT]

.....J.
[INDU MALHOTRA]

New Delhi,
January 03, 2019

ITEM NO.56

COURT NO.9

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s). 40784/2018.

(Arising out of impugned final judgment and order dated 02-08-2018 in CC No. 209/2013 passed by the National Consumers Disputes Redressal Commission, New Delhi)

NATIONAL INSURANCE COMPANY LTD.

Appellant(s)

VERSUS

RAHUL KHOSLA

Respondent(s)

(IA No.176281/2018-CONDONATION OF DELAY IN FILING and IA No.176282/2018-STAY APPLICATION)

Date : 03-01-2019 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT

HON'BLE MS. JUSTICE INDU MALHOTRA

For Petitioner(s) Mr. Yogesh Malhotra, Adv.
Mr. Gaurav Sharma, Adv.
Mr. Udit Grover, Adv.

For Respondent(s) Mr.A. Sahajinddin, Sr. Adv.
Ms. Manjeet Chawla, AOR
Dr. S. Gokula Krishnan, Adv.

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

Delay condoned.

The Civil Appeal is dismissed in terms of the signed order.

Pending applications, if any, also stand disposed of.

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER

(Signed order is placed on the file)