

**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

R.P.(C) No. 1505/2019 in C.A. No. 2913/2019

RAHUL KHOSLA

Petitioner(s)

VERSUS

NATIONAL INSURANCE CO. LTD.

Respondent(s)

O R D E R

The facts as set out in the companion appeal (Civil Appeal D.No.40784 of 2018) arising from the same complaint which was disposed of on 03.01.2019 are as under:-

“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.”

The National Commission allowed the complaint preferred by the Review Petitioner and directed the insurance company to pay a sum of Rs.49.30 lakhs along with interest @ 9% per annum. The appeal preferred by the insurance company was dismissed on 3.1.2019.

Thereafter, Civil Appeal Diary No.2913 of 2019 preferred by the Review Petitioner came up before this Court on 11.02.2019 and while affirming the view taken by the National Commission said appeal was also dismissed.

We have gone through the Review Petition and do not find any error apparent on record to justify interference in our review jurisdiction.

This Review Petition is dismissed.

.....J.
(UDAY UMESH LALIT)

.....J.
(INDU MALHOTRA)

July 9, 2019
NEW DELHI,

ITEM NO.1006

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

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(IA No.64305/2019-CONDONATION OF DELAY IN FILING REVIEW PETITION
IA No. 64305/2019 - CONDONATION OF DELAY IN FILING REVIEW
PETITION)

Date : 09-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT
HON'BLE MS. JUSTICE INDU MALHOTRA

By Circulation

UPON perusing papers the Court made the following
O R D E R

Delay in filing Review Petition is condoned.

The review petition is dismissed, in terms of the signed
order.

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

(INDU MARWAH)
COURT MASTER

(SUMAN JAIN)
BRANCH OFFICER

(signed order is placed on the file)