



**224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA-2165-2012 (O&M)
Date of decision : 19.03.2025**

National Insurance Co. Ltd. ...Appellant

Vs.

M/s Jindal Oil & Ginning Factory ...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Paul S. Saini, Advocate
for the appellant.

Mr. Rishabh Gupta, Advocate
for the respondent.

ANIL KSHETARPAL, J. (Oral)

1. The total dispute involved in the present appeal is with regard to recovery of Rs.2,69,875/- alongwith interest @ 9% per annum.
2. The defendant assails the correctness of concurrent findings of fact arrived at by the Courts below while decreeing the plaintiff's suit for recovery of Rs.2,69,875/-. In fact, the plaintiff purchased three Insurance Policies from three different Companies against fire in their godowns, where cotton bales were stored. On account of fire incident, the cotton bales were damaged. The claim was assessed by the surveyor @ Rs.23,74,901/- and share qua The New India Insurance Company and United India Insurance Company was paid to the plaintiff. However, the National Insurance Company Limited repudiated the claim. The plaintiff filed a complaint in the District Consumer Disputes Redressal Forum, which was dismissed on the ground that there are allegations of fraud by the plaintiff, which in appeal was affirmed by the State



Commission. However, the National Consumer Disputes Redressal Commission dismissed the revision petition with liberty to the plaintiff to file Civil Suit, which has been filed and decreed. It has been found by both the Courts below that the appellant has neither examined the investigator nor produced his original report.

3. Heard the learned counsel representing the parties at length and with their able assistance perused the paper-book.

4. Learned counsel representing the appellant submits that the investigator's reports was produced in the Consumer Forum and hence, a photocopy was produced in the civil suit.

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. It was the responsibility of the appellant to summon the file from Consumer Forum to prove the report in the civil suit and examine the investigator to prove its stand.

7. Moreover, it has been found that the report is of prior date, whereas, the inspection conducted by the investigator is of the subsequent date.

8. Keeping in view the aforesaid facts, no ground to interfere is made out.

9. Hence, the appeal is dismissed.

10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

19.03.2025

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Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No