

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(6575/2025) In FAO(D) 8/2025

Tahira Banoo

...Appellant(s)

Through: Ms. Arifa Jan, Advocate

Vs.

Bajaj Allianz General Insurance
Company Limited & Anr.

...Respondent(s)

Through: None

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE.
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE.

ORDER

07.04.2026

01. CM No. 6575/2025:

02. This is an application for seeking condonation of delay in filing appeal against the order dated 01.07.2025 in CC No. 154/2015. There is a delay of 53 days in filing the appeal.

03. The application for the reasons stated therein is allowed and the delay of 53 days in filing the appeal is condoned.

04. CM *disposed of*.

05. FAO(D) No. 08/2025:

06. The order dated 1st July, 2025 passed by the Jammu & Kashmir State Consumer Disputes Redressal Commission ["the Commission"] in CC No. 154/2015 titled "*Mohammad Amin Zargar and Anr. Vs. Branch Manager, Bajaj Alliance General Insurance Company Limited and Anr.*" is the subject matter of

challenge in this appeal filed under Section 17 of the Consumer Protection Act, 1987 [“the Act”], whereby the Commission has partially allowed the complaint of the appellants and has directed the respondent-Insurance Company to indemnify the appellants by paying an amount of Rs. 1, 31,500/- including of interest up to 1st July, 2025 and compensation for mental agony, torture and litigation expenses.

07. Impugned order is challenged by the appellant primarily on the ground that the Commission has not appreciated that the report of surveyor i.e., respondent No. 2 herein was not based on facts. It is further contended that the Commission has also failed to consider the estimate of loss prepared by the Er. Tahir Wahid under his seal and signature to the extent of Rs. 27, 53,000/-

08. Having heard learned counsel for the appellant and perused the material on record, we are of the considered opinion that in the absence of any contrary evidence led by the appellants the Commission had no option but to rely upon the report of the surveyor-Shri Aijaz Kirmani who had visited the spot and made the assessment.

09. It is true that there is a copy of estimate prepared by Engineer Tahir Wani brought on record by the appellants, but the same has not been proved by leading any evidence. Interestingly, Er. Tahir Wahid who prepared the estimate of the loss of the insured building was not examined as a witness by the appellants.

10. The appellants have also not taken any pains to get the loss assessed by some independent surveyor by making an application in this regard before the Tribunal. In the absence of any evidence brought on record to controvert the report of the surveyor appointed by the respondent No. 1, the Commission had no other option but to accept the report and grant the relief to the appellants, accordingly. The Commission thus accepted the report of the surveyor and awarded a sum of Rs. 1, 31,500/-.

11. In view of the aforesaid, we find no legal infirmity or factual error in the order impugned passed by the Commission. We find no merit in this appeal and the same is accordingly **dismissed.**

12. The respondents shall pay the awarded amount, if not already paid, to the appellants within a period of one month from the date a copy of this order is served upon them.

13. The appellants shall be entitled to interest on the awarded amount at the rate of 6% per annum with effect from 1st July, 2025 till the amount is actually disbursed to the appellants.

(SANJAY PARIHAR) (SANJEEV KUMAR)
JUDGE JUDGE

SRINAGAR:

07.04.2026

"Mir Arif"