



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17449 OF 2024

Cholamandalam General Insurance Co.Ltd.

... Petitioner.

Versus

Sachin Sampat Kolekar (since deceased)

Thr Legal Heirs and Ors.

... Respondents.

Mr. Rajesh Kanojia a/w. Ms. Prachi Pawar i/by Res Juris, for the Petitioner.

Coram : Sharmila U. Deshmukh, J.

Date : December 03, 2024

P. C. :

1. Heard.
2. Against the order of District Consumer Dispute Redressal Forum, there is a remedy of Appeal to the State Commission under Section 41 of the Consumer Protection Act, 2019 [for short "**Consumer Act**"]. The contention of learned counsel for the Petitioner is that the Petitioner had not insured the complainant and the Appeal require a deposit of 50% of the amount, and thus, this Petition is filed.
3. Considering that there is a remedy of an Appeal which is provided before the State Commission, this Court is not inclined to entertain the Petition under Article 227 of the Constitution of India

only on the ground that there is a statutory pre-deposit prescribed under Section 41 of the Consumer Act. If such a contention is accepted against every order of the District Forum, the aggrieved party will directly approach this Court under Article 227 of the Constitution of India raising disputed questions of fact.

4. In light of the above, the Petition is disposed of with liberty to the Petitioner to adopt appropriate proceedings under Section 41 of the Consumer Act.

[Sharmila U. Deshmukh, J.]