

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.11767 OF 2024
WITH
INTERIM APPLICATION NO.13454 OF 2024**

Rajendra M. Shemlani

....Petitioner

V/S

National Insurance Company Limited

....Respondent

Mr. Feroze Patel a/w Mr. Sandeep Kumar i/b Ms. Rucha Jog
for the Petitioner/Applicant.

**CORAM: SANDEEP V. MARNE, J.
DATE : 04 FEBRUARY 2025.**

P.C.:

1. The challenge in the present Petition is to the judgment and order dated 1 March 2024 passed by National Consumer Disputes Redressal Commission, New Delhi (**NCDRC**) by which the Commission has reduced the claim amount payable to the Petitioner from Rs.25,67,218/- to Rs.14,74,248/- alongwith interest.

2. I have heard Mr. Patel, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him.

3. It appears that originally a survey was conducted at the instance of the Insurance Company and Surveyor submitted report on 14 March 2011 assessing the claim at Rs.25,67,218.29. A reference was made by the Regional Office of the Insurance Company to its head office for appointment of an Investigator vide letter dated 2 March 2012. Some reasons were recorded for doubting the claim assessed in the original survey record. Accordingly an Investigator was nominated who conducted a fresh survey and reduced the claim amount of Rs.14,74,248/-.

4. The learned presiding Member of NCDRC has thought it appropriate to accept the report of the Investigator submitted after resurvey by holding that the said report of the Investigator is better analyzed and more credible in the circumstances of the case.

5. While exercising jurisdiction under Article 227 of the Constitution of India, which is corrective in nature, this Court is not expected to act as an Appellate Court over the order passed by the NCDRC, I am unable to locate any patent error in the view taken by the learned Presiding Member. The findings recorded by the learned Presiding Member that the report of the Investigator is better analyzed and more credible is a possible view and the same cannot be interfered with in exercise of jurisdiction under Article 227 of the Constitution of India. The Writ Petition is accordingly **rejected**.

6. In view of the disposal of the Writ Petition, nothing would survive in the Interim Application and the same is accordingly **disposed of.**

(SANDEEP V. MARNE, J.)

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