

SLP(C)No. 16104-16105 OF 2003
ITEM No.33

Court No. 7

SECTION XVII
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.16104-16105/2003

(From the judgement and order dated 30/07/2002 in MP 204/02 and RP 228/02
of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

G.S. SOLANKI

Petitioner (s)

VERSUS

SANTOSH SHARMA

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for c/delay in filing SLP and c/delay in refiling SLP)

Date : 12/12/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE B.N.AGRAWAL

For Petitioner (s)

Mr. Prakash Shrivastava,Adv.

For Respondent (s)

Mr.Chandra Shekhar,Adv.(NP)

UPON hearing counsel the Court made the following

O R D E R

None appears on behalf of the respondent despite service.

Delay condoned.

Leave granted.

The appeals are disposed of.

No costs.

[SUMAN WADHWA][MADHU SAXENA)

COURT MASTER COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2003
(Arising out of SLP(C)Nos. 16104-16105 of 2003)

G.S.Solanki...Appellant

versus

Santosh Sharma... Respondent

O R D E R

None appears on behalf of the respondent despite service.

Delay condoned.

Leave granted.

In this case the complaint had been filed by the respondent before the District Forum. The District Forum had directed the appellant to pay a sum of rupees one lakh to the respondent. The appellant preferred an appeal before the State Commission. The State Commission reduced the amount to Rs.50,000/-.

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The revision application before the National Commission filed by the appellant was dismissed not only for non-prosecution but on merits. The application for recalling this order was also rejected by the National Commission. Being aggrieved the appellant has preferred this appeal. According to the appellant the respondent had also preferred a revisional application from the decision of the State Commission and in fact subsequent to the impugned order the National Commission has itself tagged the appellant's revisional application with revisional application filed by the respondent. In the circumstances of the case we set aside the order of the National Commission dated 20.7.2002 and remand the matter back to the National

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Commission for being heard and disposed of analogously together with the revisional application filed by the respondent. The appeals are disposed of. No costs.

.....J. (RUMA PAL)

.....J.

(B.N.AGRAWAL)

New Delhi;

December 12, 2003.