

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.645 OF 2000

Mangla Bansod

...Appellant

Versus

Vijay H. Mankar

...Respondent

O R D E R

Heard Mr.Gupta, Sr.Adv. for the appellant and Mr.K.V.Mohan,
advocate for the respondent.

This appeal is directed against final judgment and order dated
24.11.1999 passed by the National Consumer Disputes Redressal Commission,
New Delhi in O.P. No.221 of 1992 filed by the complainant/respondent aga
inst

the appellant. Carelessness and medical negligence on the part of the appellant

Dr. Mangla Bansod, appellant herein, had been alleged before the Commissio
n.

The National Commission by its order dated 24.11.1999 directed the appella
nt

herein to pay a compensation of Rs.2,50,000/- to the complainant on account of

mental agony and suffering caused to the family of the deceased. The

Commission had also directed the appellant to pay to the complainant cos
t of

Rs.5000/- and disposed of the original petition.

The Medical Practitioner is now before us in this appeal. The matter was heard at length on 19.4.2006 and listed for further argument today before this Court. In the interregnum period, both the parties after due deliberations and discussions, have reached an amicable settlement by which the appellant has agreed to pay a sum of Rs. One lakh in addition to the sum of Rs.1.5 lakhs earlier paid as per the order of this Court i.e. in all, total a sum of Rs.2.5 lakhs. It is not in dispute that Rs.1.5 lakhs have already been withdrawn. A crossed account payee Cheque bearing no. 233274 dated 1.5.2006, drawn on Bank of Baroda, payable in favour of the respondent Mr. V.H. Mankar for a sum of Rs.one lakh has

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been placed before us. The cheque is handed over to the learned counsel for the respondent Mr. K.V. Mohan in the Court towards full and final settlement of the claim made by the respondent and as per the order passed by the National Consumer Disputes Redressal Commission.

In view of the settlement now reached among the parties, we are not deciding the correctness or the legality of the findings in the order passed by the National Commission. In view of the payment now made in the Court, the

impugned order dated 24.11.1999 of the National Consumer Disputes Redressal

Commission, New Delhi is set aside and the present appeal is disposed of

accordingly.

It is stated by Mr. K.V. Mohan, learned counsel for the respondent, that

the appellant, in addition to filing of this appeal, has also filed a defamation suit

in the Civil Court of Nagpur against the respondent herein. In view of the

amicable settlement now reached between the parties, the appellant will not

pursue the said suit. The said suit shall stand dismissed as not pressed. The

appellant will inform the said Court about this order now passed. The parties to

this action will have no claim against each other.

The Civil Appeal stands disposed of accordingly. There shall be no

orders as to costs.

.....J.

.....

(Dr. AR. LAKSHMANAN)

.....J.

.....

(D.K. JAIN)

New Delhi,

May 1, 2006.

ITEM NO.301(PH)

COURT NO.10

SECTION XVII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 645 OF 2000

MANGLA BANSOD

Appellant (s)

VERSUS

VIJAY H. MANKAR

Respondent(s)

(With appln.(s) for stay and permission to place addl. documents on record)

Date: 01/05/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE D.K. JAIN

For Appellant(s)

Mr. Sunil Gupta, Sr. Adv.

Mr. Sanjay Bansal, Adv.

Mr. Ashu Bhatia, Adv.

Mr. Chetan Gupta, Adv.

Mr. G.K. Bansal, Adv.

For Respondent(s)

Mr. K.V.Mohan, Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard Mr.Gupta, Sr.Adv. for the appellant and Mr.K.V.Mohan, advocate

for the respondent.

The Civil Appeal stands disposed of in terms of signed order. There

shall be

no orders as to costs.

Arora)

(A.D. Sharma)

(Phoolan Wati

ster

Court Master

Court Ma

(Signed Order is placed on the file)