

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.6986 OF 2009

ESTATE OFFICER, CHANDIGARH

... Appellant(s)

VERSUS

JASWINDER KAUR & ANR.

... Respondent(s)

O R D E R

Having heard learned counsel for the appellant and having perused the records, we are of the opinion that the National Consumer Disputes Redressal Commission (National Commission) was justified in confirming the order passed by the State Consumer Disputes Redressal Commission, UT Chandigarh (State Commission) granting compensation of Rs.1,61,210/- with 12% per annum interest under the facts and circumstances of this case. However, in our considered opinion, the National Commission and the State Commission were not justified in awarding Rs.2,00,000/- as compensation on account of mental agony in favour of the respondent inasmuch as the mother-in-law of the respondent did not pursue her remedies during her life time, though she was affected by the escalation in the stamp duty. Moreover, it is brought to our notice by learned counsel for the appellant that there are some violations of the building by-laws in respect of the building of the respondent. Be that as it may, since we find that awarding of Rs.2,00,000/- as compensation on account of mental agony with 12%

interest from the date of the order dated 13.11.2017 passed by the State Commission was incorrect under the facts and circumstances of this case, the same stands set aside.

It is brought to the notice of this Court by learned counsel for the appellant that an amount of Rs.2,42,052/- has already been paid by the appellant to the respondent vide cheque dated 30.03.2009. The said amount which is already received by the respondent is almost equivalent to Rs.1,61,210/- with 12% interest. Accordingly, the orders of the National Commission and the State Commission stand modified. The amount awarded by the National Commission is reduced to Rs.2,42,052/- in toto, which is already paid to the respondent.

The appeal is allowed in part accordingly.

....., J.
(Mohan M. Shantanagoudar)

....., J.
(R. Subhash Reddy)

New Delhi;
January 15, 2020.

ITEM NO.107

COURT NO.13

SECTION XVII-A

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

Civil Appeal No(s). 6986/2009

ESTATE OFFICER, CHANDIGARH

Appellant(s)

VERSUS

JASWINDER KAUR . & ANR.

Respondent(s)

Date : 15-01-2020 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Appellant(s) Mr. Gopal Singh, AOR
Ms. Vimla Sinha, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in part in terms of the signed order.

(GULSHAN KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)