

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).6348/2006

(From the judgement and order dated 24/10/2005 in RP No.1759/2005

of The NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION, NEW DELHI)

M/S. D.R.S. TRANSPORT (P) LTD. & ORS.

Petitioner(s)

VERSUS

R.P. SINGH

Respondent(s)

(With appln(s) for directions, prayer for interim relief and office report)

Date: 07/05/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s) Mr. Gaurav Kejriwal,Adv.

Mr. P.R. Ramasesh,Adv.

For Respondent(s) Mr. Ashutosh Verma,Adv.

Mr. Rabin Mukherjee,Adv.

Mr. Murlidharan,Adv.

Ms. Naresh Bakshi,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Leave granted.

The civil appeal is allowed.

No costs.

[Alka Dudeja]

[Om Prakash]

Court Master

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2007

(Arising out of S.L.P. (C) No.6348 of 2006)

M/s. D.R.S. Transport (P) Limited & Ors.

...Appellant(s)

Versus

R.P. Singh

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

Leave granted.

The District Consumer Redressal Forum, Delhi, dismissed the complaint filed by the respondent. Against that order, when an appeal was filed before the State Consumer Disputes Redressal Commission [for short, "the State Commission"], the same was allowed and compensation was awarded against the appellants, which order has been confirmed in revision. Hence, this appeal by special leave.

It appears that notice of the appeal was served upon the appellants and the State Commission has allowed the appeal which shows that no opportunity was given to the appellants before the appellate forum. For the foregoing reasons, the civil

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appeal is allowed, impugned orders passed by the State Commission as well as the National Consumer Disputes Redressal Commission are set aside and the appeal is remanded to the State Commission to dispose of the same in accordance with law after giving an opportunity of hearing to the parties. The State Commission is not required to issue fresh notice to the appellants. If they want to contest the appeal, they should put the appearance therein within two months from today, failing

which the appellate court shall dispose of the appeal in
accordance with law without waiting for appearance of the
appellants.

No costs.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

New Delhi,
May 07, 2007.