

SECTION XVII

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 6352-58 OF 2005

General Insurance Corp. Of India Etc. Appellants

VERSUS

Gujarat State Consumer's Prot. & Ors. Etc. Respondents

OFFICE REPORT FOR DIRECTION

The appeals above mentioned were listed before the Hon'ble Court on 07.05.2013, when the Court was pleased to pass the following order:

"Delay condoned.

These appeals stand dismissed in terms of the signed order."

It is submitted that a sum of Rs.50,000/- (Rupees fifty thousand only) deposited by the appellant in terms of the proviso added to Section 23 of the Consumer Protection Act, 1986 by the Consumer Protection (Amendment) Act, 2002, was deposited in the Suitors' Fund Account in each appeal. Proviso to Section 23 of the Act reads as under :

"Provided further that no appeal by a person who is required to pay any amount in terms of an order of the National Commission shall be entertained by the Supreme Court unless that person has deposited in the prescribed manner fifty percent of that amount or rupees fifty thousand whichever is less."

It is also submitted that Order XXIV of Rule 7 of the Supreme Court Rules, 2013 read as under :

"if the appeal is allowed by the Court the amount deposited by the appellant would be refunded to him without interest but if it is dismissed, the same will be allowed to be withdrawn by the respondent or may be disbursed as per the direction of the Court in that behalf".

It is further submitted that there are 5 respondents in Appeal No. 6352, 17 respondents in Appeal No. 6353, 12 respondents in Appeal No. 6354, 6 respondents in Appeal No. 6355, 18 respondents in Appeal No. 6356, 13 respondents in Appeal No. 6357 and 17 respondents in Appeal No. 6358 of 2005. Service is complete on all the respondents and are represented by Ms. Purnima Bhat, Ms. Hemantika Wahi and Ms. Kavita Wadia, Advocates.

It is further submitted that Counsel for the respondents have not filed application for withdrawal of Suitor Fund amount in any of the matters above mentioned. Original Paper books have been weeded out after due preservation as per policy.

The matters above mentioned are listed before the Hon'ble Judge in Chambers with this office report.

DATED THIS THE 13TH DAY OF OCTOBER, 2015.

ASSISTANT REGISTRAR