

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). 4121 OF 2003

M/S. R. RAMALINGAIER & ANR.

Appellant (s)

VERSUS

NATIONAL INSURANCE CO. LTD. & ORS.

Respondent(s)

(With office report)

Date: 20/04/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE H.K. SEMA

For Appellant(s)

Mr. P Sajith, Adv.

No.1

Mr. A. Raghunath,Adv.

No. 2

Mr. M.K. Michael,Adv. (Not Present)

For Respondent(s)

Mr. Kishore Rawat, Adv.

Nos. 1-3

Mr. M.K. Dua,Adv.

Nos. 4-6

Mr. Vishnu Mehra, Adv.

Mr. B.K.Satija ,Adv

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

The appeal is disposed of in terms of the signed order. No costs.

[Charanjeet Kaur]

[Om Prakash]

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4121 OF 2003

M/s R Ramalingaier & Anr. .. Appellant

(s)

Versus

National Insurance co. Ltd. & Ors. .. Responden

t(s)

O R D E R

Heard learned counsel for the parties.

By the impugned order, the National Consumer Disputes Redressal Commi
ssion

(for short, National Commission) while disposing of the complaint filed by
the appellants

before it gave liberty to the complainant to approach the Civil Court for the relief claimed i
n

the complaint. It observed that in that eventuality, the complainant shall be e
ntitled to seek

exclusion of time under Section 14 of the Limitation Act, 1963.

It appears that in the present case, there are voluminous documentary evide
nce to

be adduced on behalf of the parties. In view of this, we are of the
view that the National

Commission has not committed any error in observing that the appellants may move the civil

Court for redressal of their grievances by filing a properly constituted suit. We direct that in

the event, the appellants approach the civil Court as observed by the National Commission, the period spent between the filing of the claim before the National Commission

..2/-

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and disposal of the matter by us will be excluded under Section 14 of the Limitation Act, 1963 .

The appeal is, accordingly, disposed of. No costs.

.....J[B.N. AGRAWAL]

.....J [H.K. SEMA]

NEW DELHI,

APRIL 20, 2005.