

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 4190 OF 2001

SUNILDATTA & ANOTHER ...
APPELLANTS

VERSUS

SHIVAJI DADOBA SUTAR ...
RESPONDENT

ORDER

The present appeal has been filed against the impugned order 1.3.2001 passed by the National Consumer Disputes Redressal Commission, New Delhi in Revision Petition No. 2268 of 1999.

The brief facts, necessary for the disposal of this appeal, are recapitulated as follows:

The appellants entered into an agreement on 19.8.1993 with the respondent to purchase a flat No. S-5, 2nd floor, C.S. No.708/1D, 'E' Ward, Shahupuri, Kolhapur constructed by respondent for a consideration of Rs. 2,50,000/-. It is alleged that the appellants had made the full payment of Rs. 2,59,000/- by 26th July, 1994 and that the possession was given on 1.8.1994. The possession was thus given nine months' late. The appellants

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called upon the respondent to execute the necessary documents and also to look into the complaint regarding the leakages in ceiling and walls, unsafe fitting of toilet and W.C. windows, cover to the electricity meter board which was not done.

The appellants filed a consumer Case No. 216 of 1995 before the Kolhapur District Forum, Kolhapur. order dated 21.8.1997, the District Forum directed the appellant to pay Rs. 7350.25 towards proportionate area

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and also directed the respondents to issue building completion certificate, conveyance of legal association of apartment owners, deed of apartment and deed of declaration to the appellants.

Aggrieved by the order of the District Forum, the respondent filed an appeal No. 1224 of 1997 before the Consumer Disputes Redressal Commission, Maharashtra. The State Commission, by order dated 15.5.1998, passed the following directions:

"The appeal is allowed and it is directed that the respondent-complainant shall pay Rs. 57,682/- to the appellant and on receipt of this amount, the appellant shall issue the following

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documents namely; building completion certificate from Kolhapur Municipal Corporation, Conveyance of legal association of apartment owners, deed of apartment and deed of declaration. There should be, however, no order as to cost and in these terms, we dispose of the appeal"

Aggrieved by the order of State Commission, the appellants filed a Revision Petition No. 2268 of 1999 before the National Consumer Disputes Redressal Commission, New Delhi. The National Commission, by order dated 1.3.2001, dismissed the revision petition filed by the appellants.

The appellants aggrieved by the order of National Commission, filed the present appeal, by special leave before this Court.

We have heard learned counsel appearing for the parties and gone through the record.

During the course of arguments, learned counsel appearing for the appellants submitted that the entire payment of Rs. 57,682/- has been made and all other documents, except the sale deed, have been executed.

Learned counsel appearing for the respondent submits that sale deed would be executed within four weeks from today. In view of this statement of the learned counsel appearing for the respondent, no further directions are required to be passed in this appeal.

The appeal stands disposed of leaving the parties to bar their own costs.

BHANDARI]J.
[DALVEER

NEW DELHIJ.
FEBRUARY 11, 2009. [HARJIT SINGH BEDI]

ITEM NO.107 COURT NO.9 SECTION XVII

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 4190 OF 2001

SUNILDATTA & ANR. Appellant (s)

VERSUS

SHIVAJI DADOBA SUTAR Respondent(s)

(With appln(s) to file rejoinder-affidavit and office report)

Date: 11/02/2009 This Appeal was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE HARJIT SINGH BEDI

For Appellant(s) Mr. M.S. Nargolkar, Sr. Adv.
Mr. D.M. Nargolkar, Adv.
Mr. Amey Nargolkar, Adv.

For Respondent(s) Mr. A.S. Bhasme, Adv.
Mr. Brajesh Pandey, Adv.
Mr. Varun Thakur, Adv.

UPON hearing counsel the Court made the following
ORDER

The appeal stands disposed of in terms of signed
order leaving the parties to bear their own costs.

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(Pardeep Kumar)
Court Master

(Neeru Bala Vij)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]