

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

I.A.No.3 in CIVIL APPEAL NO(s). 2703 OF 2007

ASHFAQUE KARIM

Appellant (s)

VERSUS

MASARAT ISLAM SOHARWARDY

Respondent(s)

(Appln. For modification/clarification of courts's order dated 06.05.2008)(With office report)

Date: 23/07/2008 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA  
(IN CHAMBER)For Applicant(s)/ Mr. Irshad Ahmad,Adv.  
Appellant(s)

For Respondent(s) Mr. Subhash Sharma,Adv.

UPON hearing counsel the Court made the following  
ORDER

Applicant has deposited a sum of Rs.50,000/- in terms of Section 23 of the Consumer Protection Act (as amended by the Consumer Protection Act, 2002.)

The Original Application filed by the complainant was allowed and the applicant herein was directed to pay a sum of Rs.5,00,000/- with interest at the rate of 9% per annum from 1.7.1995 till payment along with cost of Rs. 10,000/-.

The applicant contends that the order passed by the National Commission stands satisfied as a sum of Rs. 10,50,000/- has been paid to the complainant.

However, so far as the amount deposited by the applicant, namely, a sum of Rs.50,000/- is concerned by an order dated 6.5.2008 this Court directed as under:

" The amount deposited by the applicant may be remitted to the National Consumer Disputes Redressal Commission for disbursement to the respondent"

-1-

It is now stated that as the entire amount of compensation directed to be paid by the National Commission stands satisfied, this Court should modify the aforementioned order.

Having heard learned counsel for the parties, we are of the opinion that the interest of justice would be subserved if the National Consumer Disputes Redressal Commission is requested to verify the claim of the appellant and, in the event, it is found that its order stood satisfied, the amount of Rs.50,000/- or any other amount which has been deposited by the applicant in excess be refunded to him.

I.A.No.3 is disposed of with the aforementioned observations.

(Meenu Sethi )  
AR-Cum-PS(Pushap Lata Bhardwaj)  
Court Master