

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.5380-5381 OF 2013

A. PALANIVEL

APPELLANT(S)

VERSUS

M/S INDUSIND BANK
REP. BY ITS GENERAL MANAGER & ORS.

RESPONDENT(S)

O R D E R

Heard learned counsel for the parties and perused the appeals papers.

The brief facts are that the appellant herein, who had obtained vehicle purchase loan from the respondent, was before the District Consumer Forum alleging that despite the appellant discharging the loan, the original registration certificate, original key and the Insurance Policy documents relating to the two wheeler have not been given to him. The respondents herein had filed their version and disputed the claim of the appellant.

The District forum having taken note of the rival contentions has through its order dated 16.02.2010 ordered payment of compensation in a sum of Rs.20,000/- and Rs.5,000/- cost and for non- return of the documents, a further sum of Rs.20,000/- was ordered. As per the said order, a sum of

Rs.45,000/- was to be paid by the respondents. Both the parties were before the State Consumer Disputes Redressal Commission, Chennai (For short `SCDRC'). The SCDRC through its order dated 20.02.2012 has reduced the amount to Rs.20,000/-.

It is in that light, the appellant was before the National Consumer Disputes Redressal Commission, New Delhi (for short`NCDRC') putting forth his contention. The NCDRC through its order dated 28.02.2013 while dismissing the revision petition filed by the appellant herein, has in fact, imposed the cost of Rs.5,000/- on the appellant. It is in that light, the appellant is before this Court.

In the above background, having heard learned counsel for the parties, we are of the opinion that keeping in view the point at which the dispute had arisen and also taking note of the fact that the respondents while assailing the order passed by the District Forum, have deposited 50% of the amount of Rs.45,000/-, ordered by the District Forum, before the State Commission which was kept in deposit, the matter could be put to rest on that basis. In that light, though the SCDRC has reduced the amount, the deposit made in any event is marginally over and above the amount which was ordered by the SCDRC. Even though the NCDRC had not interfered with the order on merits, we are of the opinion that in any event the cost as imposed by the NCDRC

is not justified. To that extent, we set aside the cost imposed by the NCDRC but at the same time indicate that to provide a quietus to the dispute between the parties, the amount said to have been deposited by respondent before the SCDRC if it has been withdrawn by the appellant, shall be retained and the matter shall stand closed.

It is however, made clear that if the appellant has not withdrawn the amount from the SCDRC, it would now be open to the appellant to seek for disbursement of the amount from the SCDRC, which shall be disbursed with the accrued interest, if any, in that regard.

With the above observations and directions, the appeals stand disposed of.

.....J.
[A.S. BOPANNA]

.....J.
[PRASHANT KUMAR MISHRA]

NEW DELHI;
AUGUST 24, 2023

ITEM NO.102

COURT NO.4

SECTION XVII-A

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). 5380-5381/2013

A. PALANIVEL

Appellant(s)

VERSUS

M/S INDUSIND BANK
REP. BY ITS GENERAL MANAGER & ORS.

Respondent(s)

Date : 24-08-2023 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Appellant(s) Mr. K. Rajeev, AOR
Mr. Shinoj K Narayanan, Adv.
Ms. Nivedita R Menon, Adv.
Mr. Pranav Krishnan, Adv.
Mr. Aditya Verma, Adv.

For Respondent(s) Mr. M. Yogesh Kanna, AOR
Mr. Vasu Kalra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeals stand disposed of in terms of signed order.

Pending application(s) shall also stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)