

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.4152 OF 2008

ASHOK THAPAR

Appellant (s)

VERSUS

SUPREME INDOSAIGON ASSOCIATES & ANR.

Respondent(s)

Date: 11/05/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Appellant(s) Mr. K.V. Viswanathan, Sr. Adv.

Mr. Gagan Gupta, Adv.

Ms. Sonia Arora, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel appearing on behalf of the  
appellant.

In spite of service of notice, nobody has entered  
appearance on behalf of the respondents to contest the  
prayer made in this appeal.

The civil appeal is allowed.

[ Alka Dudeja ]

Court Master

[ Savita Sainani ]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4152 OF 2008

Ashok Thapar

...Appellant(s)

Versus

Supreme Indosaigon Associates and Anr.

...Respondent(s)

O R D E R

Heard learned counsel appearing on behalf of the appellant.

In spite of service of notice, nobody has entered appearance on behalf of the respondents to contest the prayer made in this appeal.

By the impugned order, the National Consumer Disputes Redressal Commission [for short "the National Commission"], after declining the appellant's prayer for permission to file a petition for amendment of the complaint, proceeded to dismiss the same.

In our

view, in the facts and circumstances of the case, the National Commission should have, instead of dismissing the complaint at the admission stage, granted time to the appellant to file a petition for amendment of the complaint.

Accordingly, the appeal is allowed, impugned order is set aside and the matter is remitted to the National Commission, which shall now give opportunity to the appellant to file a petition for amendment of the complaint and, thereafter, proceed to decide the same in accordance with law.

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

.....J.  
[G.S. SINGHVI]

New Delhi,  
May 11, 2009.