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SLP(C)No. 17890 OF 2001

ITEM No.48

Court No. 9

SECTION XVII  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.17890/2001

(From the judgement and order dated 03/05/2001 in OP 161/97  
of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

M/S. APOLLO HOSPITAL, A.P. & ORS.

Petitioner (s)

VERSUS

SIVAKANTH DIXIT & ORS.

Respondent (s)

(With prayer for interim relief)

( With Appln(s). for permission to submit additional document(s) )

Date : 11/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s) Mr. Ranjit Kumar, Sr.Adv.  
Mr. K. Maruthi Rao,Adv.  
Mrs. K. Radha,Adv.  
Mr. Guntur Prabhakar,Adv.

For Respondent (s) Mr. L.K. Pandey,Adv.

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

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.SP2

The special leave petition is disposed of in terms  
of the signed order.

.SP1

(Neena Verma)  
Court Master

(Radha Rani Bhatia)  
Court Master

(Signed order is placed on the file)

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.PL56

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO. 17890 OF 2001@@  
CC

M/S. APOLLO HOSPITAL, A.P. & ORS. .... APPELLANTS

VERSUS

MR. SHIVAKANTH DIXIT & ORS. .... RESPONDENTS

O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....T.....J  
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The impugned order passed by National Consumer Disputes Redressal Commission, New Delhi condones the delay in filing the complaint by the respondents exercising power under proviso to sub-Section (2) of Section 24-A of the Consumer Protection Act, 1986. The complaint is yet to be decided on merits. We are not inclined to interfere with the impugned order at this stage, as the better course would be to give liberty to the petitioners to dispute the correctness of the order impugned herein in the event of the complaint being decided against the petitioners and an occasion arising for filing an appeal.

It was pointed out that subsequent to the passing of the impugned order of the Commission, and during the pendency of this SLP, some affidavits on behalf of respondents have been received by the Commission by way of ..2/-

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ex-parte evidence. In fairness to both the parties, we deem it proper to permit the petitioners an opportunity of participating in the hearing on merits. If the petitioners move an application seeking cross-examination on affidavits filed by complainants, the same shall be allowed by the Commission and thereafter evidence/additional evidence permitted to be adduced by either party.

We make it clear that any observation made or finding recorded in the impugned order by the Commission shall be deemed only for the purpose of condoning the delay and shall not prejudice any plea raised by either party at the hearing on merits of the complaint.

Subject to the above said observations, the SLP be treated as disposed of.

.SP1

.....J.  
( R.C. LAHOTI )

New Delhi,  
March 11, 2002.

.....J.  
( ARIJIT PASAYAT )