

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 6121 OF 2001

SUPERINTENDENT, FOREIGN POST OFFICE

Appellant (s)

VERSUS

INDO LHASA CURIOUS

Respondent(s)

O R D E R

We have heard learned counsel appearing for the appellant. The only contention raised before us is that the J&K State Consumers Protection Commission, Srinagar, had no jurisdiction to entertain and decide the disputes inasmuch as the cause of action in entirety had arisen in Delhi as the parcel for onward transmission to Malaysia was booked at Delhi and no part of the transaction took place within the jurisdiction of the Commission at Srinagar. This is a question of fact and law requiring evidence and was never raised before the High Court. We cannot permit a question of fact to be raised before this Court for the first time. Even in the grounds of Appeal, it has not been averred that this issue of jurisdiction was raised before the High Court and that the High Court has not considered the same on merits.

The appeal is dismissed.

.....J.
(Dr. B.S. CHAUHAN)

.....J.
(SWATANTER KUMAR)

NEW DELHI,
June 07, 2011.

ITEM NO.107

COURT NO.2

SECTION XVIA

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). 6121 OF 2001

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(With prayer for interim relief and office report)

Date: 07/06/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE SWATANTER KUMAR
[VACATION BENCH]

For Appellant(s) Mr. Ashok Bhan, Adv.
 Mr. R.K. Rathore, Adv.
 Mr. Arvind K.Sharma, Adv.
 Mr. P. Parmeswaran, Adv.

For Respondent(s)
 Rr-Ex-Parte.

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

The appeal is dismissed in terms of
the signed order.

(Sheetal Dhingra)
Court Master
[Signed order is placed on the file]

(Indu Satija)
Court Master