

ITEM NO.12

COURT NO.11

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2010

(CC 19884/2010)

(From the judgement and order dated 04/12/2009 in FA No. 34/2002
of The NATIONAL CONSUMERS DISPUTES REDRESSAL COMMISSION, NEW DELHI)

BIJI J.S.

Petitioner(s)

VERSUS

ROSE BIST & ANR

Respondent(s)

With I.A.1 (C/delay in filing SLP and c/delay in refiling SLP and
office report)

Date: 06/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. R. Sathish, Adv.

For Respondent(s)

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

Delay condoned.

This petition is directed against order dated 04.12.2009

passed by the National Consumer Disputes Redressal Commission (for

short, 'the National Commission') whereby the appeal preferred by

the petitioner against the order of the Kerala State Consumer

Disputes Redressal Commission (for short, 'the State Commission')

dismissing the complaint filed by the petitioner for award of

compensation on account of alleged deficiency in the service

provided by respondent Nos.1 and 2 was dismissed.

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We have heard learned counsel for the petitioner and perused
the record. In our view, the concurrent findings recorded by the
State Commission and the National Commission that respondent No.1
was not guilty of medical negligence and the petitioner had not
succeeded in proving any deficiency in the service are based on
correct appreciation of the factual matrix of the case and the
evidence produced by the parties and the impugned order does not

call for interference under Article 136 of the Constitution.

The special leave petition is accordingly dismissed.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master