

"  
SLP(C)No. 21489 OF 2000  
ITEM No.49

Court No.11

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.21489/2000

(From the judgement and order dated 19/07/2000 in FA 91/00  
of The NATIONAL CONSUMERS DISPUTES REDDRESSAL COMMISSION, NEW DELHI)

R. SUGUMAR & ANR.

Petitioner (s)

VERSUS

ROMIEL SAMUEL

Respondent (s)

(With prayer for interim relief)

Date : 19/03/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Petitioner (s) Mr. Nikhil Sakhardande,adv.  
Mrs. Meenakshi Sakhardande,adv.  
Mr. Manish Mishra,adv.  
Mrs V.D. Khanna,Adv.

For Respondent (s) Mr. Vinod A. Bobde,Sr.Adv.  
Mr.N. Ramachandran,adv.  
Mr. Rustom B.Hathikhanawala,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.J  
.SP2

Leave granted.  
Appeal is disposed of.  
No cost.

.SP1

(Suman Wadhwa)  
PA to Addl.Regr.

(S.Malkani)  
Court Master

Signed order is placed on the file.

.PA  
.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2191 OF 2001@@

R.Sugumar & Anr. ...Appellants

Vs.

Romiel Samuel ...Respondent

ORDER@@  
CCCCC

.....L.....I.....T.....T.....T.....T.....T.....J.  
.SP2

Heard learned counsel for the parties.  
Leave granted.

The first appeal filed by the appellants before the National Commission was dismissed by passing a cryptic order which reads as follows:

.....L.....I.....T.....T.....TJ.  
.SP1

"The application for fixing a date of hearing is dismissed. The appellant is trying to get around the consent decree that was passed by the City Court to which he was a party. The Appeal is also dismissed."

.....L.....I.....T.....T.....T.....T.....TJ.  
.SP2

This order is under challenge in this appeal.

It is clear from the order under challenge that the appeal was dismissed while considering the application filed by the appellants for fixing a date of hearing. Not only the said application was dismissed but the appeal also. There was no consideration of the matter on merit.

-2-

In the circumstances we are of the view that the appeal should be disposed of on merits after giving opportunity of hearing to both the parties. Therefore without delving further into the merits of the case we set aside the order under challenge and remit the matter to the National Commission for disposal of the appeal, First Appeal No.91/2000, afresh in accordance with law.

The appeal is disposed of accordingly. No cost.

.SP1  
.....J.  
(D.P.MOHAPATRA)

New Delhi; .....J.  
March 19,2001. (SHIVARAJ V. PATIL)