

Proprietor, Jabalpur Tractors

Vs

Sedmal Jainarain and Another

Civil Appeal No. 9928 of 1995

(K. Ramaswamy, B. L. Hansaria JJ)

30.10.1995

ORDER

1. Leave granted.
2. With regard to the claim for garage charges, CS No. 49-B of 1990 on the file of the Third Additional Judge to the Court of District Judge, Jabalpur is pending disposed. The State Consumer Forum had also noticed it in paragraph 26 of its order and concluded that the amount claimed by M/s Jabalpur Tractors as garage charges is Rs 18,000 and this cannot be considered as the matter is already pending and is sub judice before the competent civil court. The Consumer Protection Act is not in derogation of any other law. In that view of the matter, the National Consumer Disputes Redressal Commission, in the impugned order, was not justified in directing to hand over possession of the car to the respondent.
3. The appeal is accordingly allowed and the order of the National Forum in First Appeal No. 239 of 1991 dated 18-2-1993 insofar as the garage charges are concerned is set aside. No costs.