

SUPREME COURT OF INDIA

Sidhrath Consturction

Vs.

D.T.Vora

C.A.Nos.5336-5340 of 2005

(B.N. Agrawal, Harjit Singh Bedi and G.S. Singhvi JJ.)

31.07.2008

ORDER

1. These appeals are directed against the common order passed by the National Consumer Disputes Redressal Commission (hereinafter referred to as "the Commission), whereby the original petitions filed by the respondents were allowed and various directions were given to the opposite parties (appellants herein).

2. Having heard learned counsel for the parties at length and gone through the records, we are of the view that the Commission ought not to have entertained the complaints because intricate questions of fact were involved therein and such questions could have been decided by the civil court after giving opportunity to the parties to adduce oral and documentary evidence. Ordinarily, we would have relegated the respondents to the remedy of civil suit but, keeping in view the fact that a period of twelve years has elapsed from the date of filing of the complaints, we do not consider it proper to adopt that course.

3. A careful reading of the impugned order shows that the Commission has allowed the complaints without making detailed evaluation of the pleadings and evidence and without considering the documents produced by the parties. We may have, keeping in view the settled legal position that the appellate court is possessed with all the powers of the trial court, decided the appeals on merits but as the parties do not appear to have properly understood the magnitude of the controversy and the nature of evidence which was required to be produced, we feel that it would be just and proper to remit the matter to the Commission for fresh adjudication of the complaints after giving opportunity to the parties to adduce oral as well as documentary evidence.

4. Accordingly, the appeals are allowed, impugned order is set aside and the original petitions are remitted to the Commission for decision afresh in accordance with law after framing issues and giving opportunity to the parties to adduce oral and documentary evidence.

5. As the complaints were filed twelve years ago, we feel that it would be expedient to fix a time-frame for deciding the petitions afresh on merits. Learned counsel appearing on behalf of the parties made a statement at the Bar that their respective clients undertake to cooperate the Commission in disposal of the petitions within a period of one year. Accordingly, the Commission is requested to dispose of the petitions within a period of one year from the date of receipt/production of copy of this order.

Civil Appeal Nos.6147 to 6151 of 2005 :

6. In view of the order passed in Civil Appeal Nos.5336-5340 of 2005, these appeals have become infructuous and the same are, accordingly, dismissed.