

**SUPREME COURT OF INDIA**

Ajit Dodagouda Patil

Vs.

Sunderam Finance Ltd.

C.A.No.5008 of 2008

(B.N. Agrawal, V.S. Sirpurkar and G.S. Singhvi JJ.)

07.08.2008

**ORDER**

1. Heard learned counsel for the parties.
2. Leave granted.
3. After some arguments, learned counsel appearing on behalf of the appellant sought permission to withdraw the complaint filed before the District Consumer Disputes Redressal Forum [for short, "District Forum"] under the *Consumer Protection Act, 1986*, because this Court expressed the view that such complaint was not maintainable. The prayer made on behalf of the appellant is granted with liberty to him to move appropriate civil court by filing properly constituted suit.
4. Since the appellant was bonafide prosecuting the case before consumer fora, which did not have jurisdiction to entertain the complaint, we direct that, if along with the plaint an application under Section 14 of the Limitation Act is filed, then the time spent in prosecuting the complaint, i.e., time taken from the date of filing of the complaint till this date shall be excluded for the purpose of computing the period of limitation.
5. In the result, the orders passed by the District Forum, State Consumer Disputes Redressal Commission and National Consumer Disputes Redressal Commission are set aside and the appellant is allowed to withdraw the complaint with liberty enumerated above.
6. The civil appeal is, accordingly, disposed of.