

SUPREME COURT OF INDIA

Ashok Thapar

Vs.

Supreme Indosaigon Associates

C.A.No.4152 of 2008

(B.N.Agrawal and G.S.Singhvi JJ.)

11.05.2009

ORDER

1. Heard learned counsel appearing on behalf of the appellant.
2. In spite of service of notice, nobody has entered appearance on behalf of the respondents to contest the prayer made in this appeal.
3. By the impugned order, the National Consumer Disputes Redressal Commission [for short "the National Commission"], after declining the appellant's prayer for permission to file a petition for amendment of the complaint, proceeded to dismiss the same. In our view, in the facts and circumstances of the case, the National Commission should have, instead of dismissing the complaint at the admission stage, granted time to the appellant to file a petition for amendment of the complaint.
4. Accordingly, the appeal is allowed, impugned order is set aside and the matter is remitted to the National Commission, which shall now give opportunity to the appellant to file a petition for amendment of the complaint and, thereafter, proceed to decide the same in accordance with law.