

PETITIONER:
PROPRIETOR, M/S. JABALPUR TRACTORS

Vs.

RESPONDENT:
SEDMAL JAINARAIN & ANR.

DATE OF JUDGMENT 30/10/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1995 SCC Supl. (4) 107 JT 1995 (8) 155
1995 SCALE (6) 256

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

Leave granted.

With regard to the claim for Garage charges, C.S.No. 49-B/1990 on the file of the IIIrd Additional Judge to the Court of District Judge, Jabalpur is pending disposal. 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 Disputers Redressal Commission, in the impugned order, was not justified in directing to hand over possession of the car to the respondent.

The appeal is accordingly allowed and the order of the National Forum in First Appeal No. 239/1991 dated February 18, 1993 in so far as the Garage charges are concerned is set aside. No costs.