

CASE NO.:
Appeal (civil) D34104 of 2007

PETITIONER:
Vishamber Sunderdas Badlani & Anr

RESPONDENT:
Indian Bank & Ors.

DATE OF JUDGMENT: 11/02/2008

BENCH:
C.K. THAKKER & D.K. JAIN

JUDGMENT:
JUDGMENT
O R D E R

This is a statutory appeal filed by the appellants under provisions of the Consumer Protection Act, 1986. The National Consumer Disputes Redressal Commission (for short 'the Commission') dismissed the complaint filed by the appellants herein inter alia observing that disputed questions of fact and law have been involved in the matter and that serious allegations have been made as to fraud, collusion, etc. It also appears from the record of the case that criminal proceedings have been instituted by the Central Bureau of Investigation (C.B.I) and investigation has been ordered.

The Commission is exercising power of a summary nature. It is, no doubt, true that it is open to the Commission to enter into, deal with and decide questions of fact as well as of law. In an appropriate case, even evidence can be led. Normally, however, in such cases, if an order is passed on the facts and in the circumstances of the case granting liberty to the appellants-complainants to approach a civil Court, it cannot be said that by exercising such power, illegality has been committed by the Commission.

Hence, the appeal is summarily dismissed.
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It is, however, clarified that as and when an appropriate proceeding will be taken by the appellants, any observation made either by the Commission or by us will not come in the way of appellants. If any suit is filed, it is open to the appellants to make appropriate prayer on limitation and the Court will keep in mind the facts and circumstances of the case and the present proceedings initiated by the appellants. The Court will also consider Section 14 of the Limitation Act, 1963.