

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3473 OF 2008
(Arising out of S.L.P. (C) No.9523 of 2007)

Vinay Kumar

...Appellant(s)

Versus

New India Assurance Co. Ltd.

...Respondent(s)

O R D E R

Heard learned counsel for the parties.
Leave granted.

The District Consumer Disputes Redressal Forum [for short, 'the District Forum'] dismissed the complaint against which order when appeal was preferred before the State Consumer Disputes Redressal Commission [for short, 'the State Commission'], it recorded a finding that adequate opportunity was not afforded to the complainant to file requisite documents, but after recording the said finding, instead of remitting the matter to the District Forum, it simply allowed the appeal and directed that the complainant may file fresh complaint, subject to the law of limitation. The said order has been confirmed in revision by the National Consumer Disputes Redressal Commission. Hence, this appeal by special leave.

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In our view, in view of the finding recorded by the State Commission that adequate opportunity was not given to the complainant to produce documents, after allowing the appeal, the matter should have been remitted to the District Forum.

Accordingly, the appeal is allowed, impugned orders are set aside and the matter is remitted to the District Forum to decide the complaint afresh on merits in accordance with law after giving opportunity of hearing to the parties.

....J.

[B.N. AGRAWAL]

....J.

[G.S. SINGHVI]

New Delhi,
May 09, 2008.