

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1111 OF 2007

Belgique Fashions

...Appellant(s)

Versus

Indian Overseas Bank

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

By the impugned order, the National Consumer Disputes Redressal Commission [for short, “the National Commission”] summarily dismissed the complaint filed by the appellant on the ground that the same was barred by limitation.

Undisputedly, the National Commission dismissed the complaint without even issuing notice to the respondent. Upon a perusal of a complaint, it cannot be said that the complaint was barred by the limitation, per se. Therefore, the National Commission was not justified in summarily dismissing the complaint on that ground and that too without taking note of the fact that the appellant had also filed a petition for condonation of delay. This being the position, the impugned order is liable to be set aside.

Accordingly, the appeal is allowed, impugned order is set aside and the matter is remitted to the National Commission. Now, the National Commission shall first issue notice to the respondent in the matter of limitation and pass

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appropriate order after giving opportunity of hearing the parties on the question of limitation. If that question is decided in favour of the appellant, then the National Commission shall decide the matter on merit.

.....J.
[B.N. AGRAWAL]

[G.S. SINGHVI]

.....J.

New Delhi,
January 19, 2009.