

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.5232 OF 2008
(Arising out of S.L.P. (C) No.8903 of 2007)

**Union of India through General Manager
and Ors.**

...Appellant(s)

Versus

Vishal Kumar and Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

By the impugned order passed on 5th April, 2006 in Revision Application No.191 of 2006, the National Consumer Disputes Redressal Commission [for short, 'National Commission'] while issuing rule limited to the award of interest and quantam of compensation, issued notice in the interim matter as well and thereafter, by subsequent order passed on 31st July, 2006, interim order of stay has been also passed. This appeal has been filed challenging both the orders.

So far as order dated 31st July, 2006, is concerned, we do not find any error therein. However, in the facts and circumstances of the case, we are of the view that, on 5th April, 2006, the National Commission should not have issued a limited rule in the revision application but the same should have been open one.

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Accordingly, the appeal is allowed in-part and that portion of the order dated 5th April, 2006, whereby limited rule has been issued is set aside and it is directed that after service of notice, the revision application shall be disposed of by the National Commission on merits in accordance with law after taking into consideration all the points raised therein.

Needless to say that we should not be misunderstood to have expressed any opinion one way or the other in relation to the merits of the cases of the parties in the revision application.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
August 25, 2008.