

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4931 OF 2004

Tamil Nadu Jai Bharath Mills Ltd.

...Appellant(s)

Versus

Hongkong & Shanghai Banking Corpn. Ltd.

...Respondent(s)

With Civil Appeal Nos.4938/2004, 4939/2004, 4940/2004, 4932-4933/2004 and 4934-4937/2004

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Civil Appeal Nos.4931/2004, 4938/2004, 4939/2004 and 4940/2004:

Heard learned counsel for the parties.

In these appeals, different complaints were filed before the District Consumer Disputes Redressal Forum [for short, "District Forum"], which were dismissed by different orders on a finding that there was no deficiency in service. The said orders were confirmed by the State Consumer Disputes Redressal Commission, Chennai [for short, "State Commission"]. Thereafter, when the matters were taken to the National Consumer Disputes Redressal Commission in revision, the same were dismissed observing as if the State Commission had directed the complainants to move the civil court for redressal of their grievances. Hence, these appeals by special leave.

Having taken into consideration all the pros and cons of the matter, we are of the view that the complainants, instead of moving the District Forum by filing different

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complaints, should have filed properly constituted suits before a competent civil court. Accordingly, the appeals are allowed, impugned orders are set aside and the complaints are dismissed with liberty to the complainants to move competent civil court by filing properly constituted suits. As, in our view, the complainants were bonafide prosecuting the present proceedings, we direct that if, along with the complaints, petitions under Section 14 of the Limitation Act are filed, time spent from the date of filing of the complaints till this date shall be excluded in computing the period of limitation.

Civil Appeal Nos.4932-4933/2004 and 4934-4937/2004:

Heard heard counsel for the parties.

In view of the order passed in Civil Appeal No.4931 of 2004 and connected matters, these appeals are allowed, impugned orders are set aside and the complaint petitions filed by the complainants are dismissed with liberty to the complainants to move competent civil court by filing properly constituted suits. As, in our view, the complainants were bonafide prosecuting the present proceedings, we direct that if, along with the complaints, petitions under Section 14 of the Limitation Act are filed, time spent from the date of filing of the complaints till this date shall be excluded in computing the period of limitation.

...J.

[B.N. AGRAWAL]

...J.

[G.S. SINGHVI]

New Delhi,
May 07, 2008.