

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7137 OF 2008
(Arising out of S.L.P. (C) No.9711 of 2008)

Jijabai S. Sagle and Anr.

...Appellant(s)

Versus

Shivaji Tatyaba Sanap Saket and Anr.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the appellants.

In spite of service of notice, nobody has entered appearance to contest the prayer made in this appeal.

By order dated 15th September, 2003, the District Consumer Disputes Redressal Forum, Nasik, [for short, 'the District Forum'] in Complaint Case No.2 of 2002, on an application under Section 27 of the Consumer Protection Act, 1986, [for short, 'the Act'], came to the conclusion that prima facie case was made out and directed that particulars for offence under Section 27 of the Act was required to be framed against the respondents. Against the said order, an appeal was preferred, which was dismissed on the ground that the same was not maintainable. Thereafter the respondents moved the National Consumer Disputes Redressal Commission [for short, 'the Commission'] in revision, which has, in effect and substance, set aside the aforesaid order passed by the District Forum and disposed of the revision application. In our view, the District Forum had found prima facie case under Section 27 of the Act for taking action against the respondents. The revisional authority was not justified in interfering with the same.

....2/-

Accordingly, the appeal is allowed, impugned order rendered by the National Commission is set aside and the same passed by the District Forum on 15th September, 2008, restored.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
December 05, 2008.

**S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S**

Petition(s) for Special Leave to Appeal (Civil) No(s).9711/2006

**(From the judgement and order dated 18/04/2006 in RP No.3223/2005
of The NATIONAL CONSUMER DISPUTES REDRESSAL COMMISSION, NEW DELHI)**

JIJABAI S. SAGLE & ANR.

Petitioner(s)

VERSUS

SHIVAJI TATYABA SANAP SAKET & ANR.

Respondent(s)

Date: 15/12/2008 This Petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. Shivaji M. Jadhav,Adv.

For Respondent(s)

**UPON hearing counsel the Court made the following
O R D E R**

**In the order dated 5th December, 2008, the words “S.L.P. (C)
No.9711 of 2008” and “15th September, 2008” may be read as “ S.L.P.
(C) No.9711 of 2006” and “15th September, 2003” respectively.**

Ordered accordingly.

**[Alka Dudeja]
Court Master**

**[Savita Sainani]
Court Master**

[Signed order is placed on the file]

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Ordered accordingly.

[B.N. AGRAWAL]

.....J.

[G.S. SINGHVI]

.....J.

**New Delhi,
December 15, 2008.**