

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.7367 OF 2008
(Arising out of S.L.P. (C) No.6882 of 2007)

T. Sudheer

...Appellant(s)

Versus

M. Prasad Reddy and Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant filed a complaint before the Andhra Pradesh State Consumer Redressal Commission [for short, 'the State Commission'] claiming compensation to the tune of Rupees forty lakhs by alleging that his wife died due to negligence of the respondents. By an order dated 20th August, 2006, the State Commission without even adverting to the averments contained in the complaint and the prayer made therein, directed the complainant to present the complaint before an appropriate District Forum. The order of the State Commission has been confirmed by the National Consumer Disputes Redressal Commission [for short, 'the National Commission'] by the impugned order. Hence, this appeal by special leave.

In our view, the District Forum cannot adjudicate the complaint made by the appellants because its jurisdiction is upto Rupees twenty lakhs only. This being the position, it

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must be held that the State Commission was not justified in directing the complainant to file complaint before the District Forum and the National Commission committed serious error by confirming the order of the State Commission.

Accordingly, the appeal is allowed, the orders passed by the State Commission and confirmed by the National Commission are set aside and the matter is remitted to the State Commission to dispose of the complaint in accordance with law, after giving opportunity to the parties to adduce evidence.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

[RAJENDRA MAL LODHA]J.

New Delhi,
December 17, 2008.