

CASE NO.:
Appeal (civil) 1556 of 2008

PETITIONER:
SUNDARAM AUTOMOBILES

RESPONDENT:
C.N. ANANTHARAM & ANR

DATE OF JUDGMENT: 22/02/2008

BENCH:
ALTAMAS KABIR & J.M. PANCHAL

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO. 1556 OF 2008
(Arising out of SLP(C)No. 13201/2006)

Leave granted.

This appeal is directed against an order dated 26.7.2006 passed by the National Consumer Disputes Redressal Commission in revision petition No.1585/2006 filed by the appellant herein. From the order impugned it will be evident that the revision filed by the appellant was admitted only on the point of payment of easy monthly instalments and rate of interest, thus foreclosing any further argument with regard to the liability of the appellant to pay compensation to the complainant.

It was also submitted on behalf of the appellant that similar revision petitions have been filed by the manufacturer and also by the appellant and the same are also pending before the National Commission.

-2-

Having heard learned counsel for the respective parties we are of the view that since the question regarding liability to make payment is still open before the National Commission, the Commission ought not to have foreclosed the case of the appellant regarding its liability to make such payment.

In that view of the matter, we set aside the order passed by the Commission only with regard to the observation made regarding admission of the revision only on the point of EMI amount and rate of interest, and we remit the matter to National Commission for hearing and disposal along with two the other pending revisions as expeditiously as possible, but preferably within a period of six months from the date of communication of this order.

-3-

We make it clear that we have not gone into the merits of the case and parties will be at liberty to urge all points before the Commission.

The appeal is disposed of accordingly. There will be no order as to costs.

JUDIS