

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 3158 OF 2020
(Arising out of SLP (C) No.8137 of 2020)

P.S.MAINI
Appellant

...

VERSUS

AVTAR SINGH & ANR.
Respondent

...

WITH

CIVIL APPEAL NO. 3159 OF 2020
(Arising out of SLP (C) No.10110 of 2020)

ORDER

Leave granted.

This appeal arises from the decision of the National Consumer Disputes Redressal Commission (NCDRC) dated 18 March 2020. The NCDRC has enhanced the compensation which has been awarded to the second respondent by an amount of Rs.1,00,000/- (Rupees one lac), in addition to the amount of Rs.10,00,000/- (Rupees ten lac) that was awarded by the State Consumer Disputes Redressal Commission.

During the course of hearing proposals for settlement were exchanged between the parties in order to explore the possibility of an amicable resolution of the dispute. Mr. Vikas Singh, learned senior counsel appearing on behalf of the appellant, has stated, on instructions, that the appellant would be ready and willing to pay an amount of Rs.11,00,000/- (Rupees eleven lacs) without conceding to the allegation of medical negligence, purely as a humanitarian gesture since the complainant is polio affected.

Mr Santosh Kumar, learned counsel appearing on behalf of the respondents, upon taking instructions, has stated that the suggestion which has been made by

learned senior counsel on behalf of the appellant is acceptable to the complainants, who do not press the allegations of medical negligence.

Under the terms of settlement, a cheque for Rs.11,00,000/- (Rupees eleven lacs) in the name of the second respondent shall be handed over by the appellant for onward transmission to counsel for the respondents within a period of two days. Since the dispute has been resolved between the parties and on the joint request of the learned counsel, the impugned judgment and order of the NCDRC dated 18 March 2020 is set aside. The allegations of medical negligence in the complaint which was filed before the State Consumer Disputes Redressal Commission are not pressed.

Upon the encashment of the cheque which is to be handed over to the second respondent, the appellant would be at liberty to withdraw the amount which has been deposited before the NCDRC along with the accrued interest, if any.

The appeals stand disposed of.

.....J.
(Dr Dhananjay Y Chandrachud)

.....J.
(Indu Malhotra)

.....J.
(K M Joseph)

New Delhi;
September 11, 2020

ITEM NO.5 Court 3 (Video Conferencing) SECTION XVII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 8137/2020

(Arising out of impugned final judgment and order dated 18-03-2020 in FA No. 1326/2018 passed by the National Consumers Disputes Redressal Commission, New Delhi)

P.S.MAINI Petitioner(s)

VERSUS

AVTAR SINGH & ANR. Respondent(s)

(FOR ADMISSION and I.R. and IA No.61279/2020-EARLY HEARING APPLICATION and IA No.59823/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.59822/2020-EX-PARTE STAY)

WITH

SLP(C) No. 10110/2020 (XVII-A)
(IA No.82632/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 11-09-2020 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Vikas singh, Sr. Adv.
Mr. Varun Singh, Adv.
Mr. Nitin Saluja, AOR
Ms. Deepika Kalia, Adv.
Mr. Kapish Seth, Adv.
Mr. Akshay Dev, Adv.
Ms. Deepti Arya, Adv.
Mr. Rishabh Rana, Adv.
Mr. Mritunjay Singh, Adv.
Mr. Satwik Mishra, Adv.

Mr. Mushtaq Ahmad, AOR

For Respondent(s) Mr. Santosh Kumar, Adv.
Mr. Rajiv Ranjan Mishra, Adv.
Mr. Mushtaq Ahmad, AOR

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

Leave granted.

The appeals stand disposed of in terms of the signed order.

Pending applications, if any, stand disposed of accordingly.

**(GULSHAN KUMAR ARORA)
AR-CUM-PS**

**(SAROJ KUMARI GAUR)
COURT MASTER**

(Signed order is placed on the file)